



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

AGENDA

Planning and Zoning Commission Special Called Meeting*

Tuesday, June 19, 2018, at 5:30 P.M.

City Hall Meeting Room

201 E. Walnut

Call to Order

- ITEM 1:** Accept Resignation of Chairman Davey Edwards and elect a new Chairman and if necessary, a new Vice-Chairman.
- ITEM 2:** Administer Statement of Appointed Official and Oath of Office to Will Klose.
- ITEM 3:** Consider and take appropriate action regarding approval of the Planning and Zoning Commission and City Council Joint Workshop Meeting Minutes on April 30, 2018.
- ITEM 4:** Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on May 1, 2018.

Public Hearing Items:

- ITEM 5:** **SUP2018-01** Commission to hear and consider and take action to make a recommendation to City Council regarding Specific Use Permit Application 2018-01—Fifty Fifty Properties, LLC's request, on behalf of South Martin Branch, LP, for a Specific Use Permit to allow a Day Care in a Thoroughfare Business (C-2) Zoning District in the South Martin Branch Planned Development (PD), on approximately 0.98 acres of land being legally proposed as Lot 37, Block F, South Martin Branch Addition, Phase 5, or more commonly referred to as 420 Martin Branch Rd., Decatur, Texas. A complete legal description of the property can be obtained from the Planning and Development Services Department.
- ITEM 6:** **SUP2018-02** Commission to hear and consider and take action to make a recommendation to City Council regarding Specific Use Permit Application 2018-02—Gary and Susan Cocanougher's request for a Specific Use Permit to allow an Accessory Dwelling in a Single Family-2 (SF-2) Zoning District on approximately 15.54 acres of land being legally described as 402 Waggoner, Decatur, Texas. A complete legal description of the property can be obtained from the Planning and Development Services Department.

Non-Public Hearing Items:

- ITEM 7:** New and/or future business items:
- a. July meeting currently has five (5) applications:
 - i. SUP2018-03 Walnut Street Apartments Aaron Cole (Mixed Use Office/MF in C-1A)
 - ii. RP2018-06 Nieman Property (Residential Replat)
 - iii. RP2018-07 Aaron Cole (Commercial Replat)
 - iv. SI2018-04 Zoning Amendment to classify Birthing Center as a Use
 - v. SI2018-05 Zoning Amendment to classify Bingo Hall as a Use

Adjournment

Prepared and posted this the 15th day of June, 2018, in accordance with Chapter 551, Texas Government Code.

Dedra Denée Ragland, AICP
Planning and Development Director

*NOTE: THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO A CLOSED MEETING AT ANY TIME REGARDING ANY ITEM ON THE AGENDA FOR WHICH IT IS LEGALLY PERMISSIBLE **UNDER THE TEXAS OPEN MEETINGS ACT PURSUANT TO LGC 551.071.**

From: davey@surveytxok.com [<mailto:davey@surveytxok.com>]

Sent: Thursday, April 12, 2018 3:58 PM

To: Dedra Ragland <dragland@decaturtx.org>

Subject: RE: Joint P&Z-CC Public Input Meeting Workshop Agenda Packet for Monday, April 16, 2018

Dedra,

I think I am going to resign from P&Z. Like many other appointed and elected positions, it's good to have new blood circulated through to stay fresh and relevant. Five years is a good tenure and being chair four and a half of those years is a long time to be in its leadership. The commission will be left in good hand with Cecil in charge and I will always be here to consult with on survey issues you may have come up and I will not charge you a dime because I like you. ;P

Over the next several months, I will be needing to concentrate on my company and the future of my career that will be more than distracting much less being able to give this commission the focus it needs.

I would like to make this resignation go into effect immediately. Therefore, I will not be attending this workshop.

Thank you for your understanding and support you have given me all these years.

Wm. Davey Edwards, PhD

Vice President ESLLC

Tx & Ok PLS, TxLSLS, US CFedS

City of Decatur
Decatur, TX

The State of Texas

OATH OF OFFICE

I, Will Klose; do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Planning and Zoning Commissioner for the City of Decatur, Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Name
P&Z Commissioner

SWORN TO and subscribed before me by affiant on this 19th day of June, 2018.

Cheryl Fuss, Notary Public

(seal)

STATEMENT OF APPOINTED/ELECTED OFFICER

(Pursuant to Tex. Const. art.XVI, §1(b), amended 2001)

I, Will Klose, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election (appointment) at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

June 19, 2018

Name

P&Z Commissioner

Position to Which Elected/Appointed City of Decatur

**MINUTES
JOINT WORKSHOP
CITY COUNCIL
&
PLANNING AND ZONING COMMISSION**

A joint City Council and Planning and Zoning Commission workshop was held at 5:30 p.m., Monday, April 16, 2018, at City Hall with the following in attendance:

MEMBERS PRESENT:**City Council Members:**

Honorable Martin Woodruff, Mayor
Susan Cocanougher
Carmelina Holloway
Margaret Doubrava
Randy Parker
Mike McQuiston

MEMBERS ABSENT:

Cary Bohn

Planning and Zoning Commissioners:

Vice-Chairman Cecil LeMond
Curtis Creswell
Eileen Standridge
Terry Berube

John Lanier
Eddie Allen

Others present: City Manager Brett Shannon, Planning Director Dedra Ragland, Legal Counsel Patricia Adams, City Attorney Mason Woodruff, City Secretary Diane Cockrell, Development Review Coordinator Cheryl Fuss, GIS Analyst Ford McElroy, City Engineer Earl Smith, Building Official Wayne Smith, Wise County Messenger Reporter Brian Knox, and several Decatur citizens.

Mayor Martin Woodruff called the City Council Workshop to order at 5:30 p.m.

Vice-Chairman Cecil LeMond called the Planning and Zoning Commission Workshop to order at 5:30 p.m.

- Item 1:** Hear public input, discuss with staff and public, and give staff direction regarding the proposed creation of a Hale Street corridor and establishing corridor as a Mixed Use Land Use District; discussion to include the following topics:
- A. Staff summary of public input meetings held on February 20, 2018, and February 27, 2018.
 - B. Additional input from public and elected and appointed officials regarding the proposed corridor.
 - C. Commission and Council direction regarding next steps. Direct staff regarding the proposed creation of a Hale Street Mixed Use Land Use District, currently proposed to include S. Trenchard St. to the west, Collins St. to the north, US Hwy 81-287 Business to the east and Saunders St. to the south, or provide direction regarding alternatives or other appropriate action for future consideration.

Mayor Woodruff provided a brief background on the proposal for the creation of a Hale Street corridor and establishing corridor as a Mixed Use Land Use District. He explained that the discussion tonight will include a summary of the public input meetings held on February 20, 2018, and February 27, 2018, by the Staff; additional input from the public and elected and appointed officials regarding the proposed corridor and Council direction to Staff regarding the proposed creation of a Hale Street Corridor as a Mixed Use Land Use District. The District is currently proposed to include S. Trenchard St. to the west, Collins St. to the north, US Hwy 81-287 Business to the east and Saunders St. to the south. The Council may also decide to provide direction regarding alternatives or other appropriate action for future consideration. The Mayor turned the floor over to Planning Director Ragland to provide a summary of the public input meetings held on February 20, 2018, and February 27, 2018.

Planning Director Ragland thanked the attendees for their presence and introduced the Planning and Development Department's Staff: GIS Analyst Ford McElroy, Development Review Coordinator Cheryl Fuss, Land Use Attorney Patricia Adams, and Building Official Wayne Smith. Planning Director Ragland stated she had hoped there would be more citizens present to provide P&Z and City Council with their input. She provided the following recap of the meetings:

The City has been talking about a proposed Hale Street Mixed Use Corridor since September 2016. Several property owners on the west end of Hale Street approached Staff asking if their homes could be sold or placed on the real estate market as commercial property. Planning Director Ragland explained that she had to tell them no, because the underlying zoning of their property is Single Family Residential and the underlying Land Use is Residential. In the latter part of 2016, QuikTrip decided to locate on the west end of Hale Street. The same property owners came back again wanting to see about getting their properties rezoned to Commercial. Planning Director Ragland stated the entire Hale Street Corridor should be examined to determine its viability as a commercial corridor. A workshop was held September 2016, and Staff was instructed to proceed with enlarging the proposed corridor, identifying whether or not there was support for this proposal and identifying the corridor as a Mixed-Use Land Use District instead of a Commercial Land Use District. The residential properties would remain residential and others that want to rezone to commercial or some other nonresidential use will have a better opportunity to do so, with the proposed underlying Mixed-Use Land Use. Planning Director Ragland informed the group that the Hale Street proposal is similar to the Downtown Land Use District, in that it is proposed as a Mixed-Used Land Use District.

The City Council and Planning and Zoning Commission received an update on the proposed Hale Street Corridor on November 20, 2017. At the time, the proposal had been on hold since September 12, 2016. The City Council and Planning and Zoning Commission directed Staff to begin the process of seeking public input from affected property owners, residents and business owners regarding the request to change the Land Uses along Hale Street to US Hwy 81/287 Business, including Collins Street to the north and Saunders Street to the south.

Staff conducted two public input meetings; one on February 20, 2018, and the other on February 27, 2018. In summary, there was opposition to the proposal. The attendees that expressed the strongest opposition to the proposal lived east of Trinity St. As evidenced by the Property Owner Response Map, while few attended the meetings or replied, those that did clearly opposed the proposal. A few residents did speak off the record in support of the proposed district. There was one citizen/property owner, Mr. Andrew Sandford, who could not attend the meetings, but stated he is supportive of the proposal.

Questions and concerns expressed at the input meetings included the following:

1. Is there a master plan for a "restaurant row" along Hale Street?

2. What exactly is the City's vision for growth?
3. Residents like the old trees and small town residential area in the neighborhood.
4. The neighborhood is currently a walkable neighborhood with residents walking their dogs and riding their bikes. This proposal will adversely impact that.
5. There is already heavy traffic along Hale Street. When QT finally locates on the west end, how will the increased traffic be addressed? How will the ramp off US Hwy 81/287 be impacted? How will the increased truck traffic be addressed?
6. Why not limit the mixed-use corridor to the QT area?
7. The idea that apartments could be permitted next door to single family homes is undesirable.
8. Increased commercial development will adversely impact residential home values and taxes will increase.
9. City does need to expand by encouraging development; however, the expansion needs to occur elsewhere.

As provided in the Staff Report, Staff did attempt to explain the benefits of the corridor being designated as a Mixed Use Land Use District, which included:

- a. Conservation or maximization of land resources. Mixed-uses can present opportunities for building and energy efficiency.
- b. Development within dense, more compact areas of land;
- c. Reduction in maintenance costs because of the proximity of uses, including many which can be stacked vertically.
- d. Reduction in sprawl and positive impacting the environment – where residents live and walk to work, thus reducing car usage; and,
- e. Access to greater densities.

As indicated by some of the concerns expressed by the area residents, there are also trade offs with the proposal:

- a. Neighborhood opposition to the influx of any nonresidential uses.
- b. Parking may become problematic as a result of increased traffic as nonresidential uses develop.
- c. Increase in noise, odor and light may be a tradeoff to the conveniences of short distances between living, work, commercial and recreational destinations.
- d. The residential homogeneity of the neighborhoods, especially those east of Trinity Street, is likely to change.
- e. Greater densities may threaten the social and economic attractiveness of the neighborhoods.

Mayor Woodruff asked for additional comments from the City Council Members, Planning and Zoning Commissioners, Staff and the public. Commissioner Creswell asked if the city utilities would support the addition of commercial/mixed uses. Planning Director Ragland responded that it will be looked at on a case by case basis, but so far, QT is the largest commercial property and Public Works did not identify any problems concerning public utilities.

Mayor Woodruff said by changing the land use from strictly residential to a mixed use, this would allow multiple types of zoning in this area. Even if the underlying zoning is proposed to be changed, the property owner still has to go through the rezoning process. Planning Director Ragland also stated the area is not strictly residential; however, the majority of the area is residential. On the east side, both commercial and institutional uses are present. Mayor Woodruff agreed saying that this is mainly for the properties in between the two commercial uses, the hatched areas, as shown on the map exhibits.

Mayor Woodruff stated the reason everyone thinks that this area is well-suited as a Mixed Use Corridor is because Hale Street is the City's only 4-lane thoroughfare from west US Hwy 81/287 Business to east US

Hwy 81/287 Business. The Mayor also asked, what types of commercial zoning would be proposed in this area? Planning Director Ragland stated it would be C-2, Thoroughfare Business; C-1, Restricted Business; CO, Office; SF-1, Single-Family-1; SF-2, Single-Family-2; 2-F, Duplex; MF, Multi-Family and TH, Townhomes.

Mayor Woodruff asked, if a property owner was looking at changing their property to one of these new uses, would they now have to meet all the requirements in the new zoning regulations? Planning Director Ragland stated yes, they will have to follow the process for rezoning:

1. Zoning change – most of the properties are zoned for single family residences.
2. Staff will review any rezoning request for compliance with parking requirements and ALL adopted City Codes, including Zoning, Design Standards, Subdivision Regulations and Permitting. Neighborhood opposition will also be considered.

Mayor Woodruff stated that it is not an automatic guarantee that the property will be allowed to become a commercial property. Mayor Woodruff brought up as an example, the commercial store on the east side of the corridor, built sometime around the 1960s. The building has been abandoned and grandfathering of the use as a store has been lost. Planning Director Ragland agreed and also stated that the property was never zoned for commercial use.

Mayor Woodruff asked, why was the City looking at the area two blocks north and south of Hale St.? Planning Director Ragland stated, originally when the idea was first considered by the Planning Staff, only the area one block north and south of Hale Street was under review. However, during the 2016 Workshop, it was suggested by Council Member Bohn to extend the area another two blocks. None of the elected and appointed members objected to this suggestion. So, Staff did as suggested.

City Attorney Woodruff stated the public needs to understand that this is not a rezoning of the properties and that rezoning is not automatic. There are still a lot of controls that the Council has.

Mayor Woodruff stated that in looking at the properties located along the proposed Hale Street corridor, he saw that there were not many that would meet the requirement for commercial use. Planning Director Ragland agreed. She also cautioned that this proposal does not stop a landowner wishing to locate a commercial use in the area from buying up several lots in one block and platting the lots to get enough property to support a commercial use. Of course, rezoning will still be a hurdle.

Council Member Doubrava asked, what was found in the previous meetings and what would be acceptable in the area; what would make the residents happy? Planning Director Ragland stated her guess is the residents preferred more residential or no changes will likely make the resident happy.

Mayor Woodruff asked the citizens in the audience to ask questions. Resident Melinda Woods stated a Mother-in-Law House is ok but she doesn't want a business with three dumpsters next to her property. Planning Director Ragland stated for a business proposing to locate next to a residential property, there will be buffering requirements. Mayor Woodruff also stated that there are buffering requirements that have to be met before the project is approved. This is one of the costs that the property owner may have that might serve to deter commercial uses.

Mayor Woodruff asked Planning Director Ragland if it is possible to create a new land use designation with a shorter list of allowed uses. Planning Director Ragland stated yes, and that she has already spoken to Land Use Attorney Adams about this possibility as it relates to the Downtown Land Use District. She said that her idea includes a two-tiered Downtown Land Use District. Tier one will be the current Downtown Land Use District, permitting all of the mixed uses and Zoning Districts it currently permits. Tier two will be a more restrictive District. For example, tier two might not allow apartments and those uses permitted in the

C-2 Zoning District. Tier two might only support the uses permitted in the C-1, Restrictive Business Zoning District, such as offices and duplexes.

Mayor Woodruff stated that this idea of a Mixed-Use Land Use District is still pretty new to Decatur and the proposed Corridor will likely increase the value of the properties along the corridor. He also suggested limiting the corridor to one block north and one block south of Hale Street. Planning Director Ragland stated Staff could also focus on one end of the corridor, such as the west end versus the east end.

Commissioner Creswell stated QT might help people see better what they wanted and that maybe focusing on one area or one portion of the corridor makes sense.

Commissioner Berube stated when the rental duplex properties were originally proposed on Hale Street, next to the old retail store, the Commission Meeting was packed with concerned citizens. The application was pulled by property owner and builder, Randy Neighbors, and the project was changed to two single family residences. Commissioner Berube also stated she was surprised by the lack of interest from the citizens. Planning Director Ragland stated that Staff had notified over 500 people and as is evidenced by tonight's meeting, only four people seemed interested, which there was also a low turnout during the public input meetings as well. Director Ragland stated it is simply not economically feasible to notify everyone again, especially if this process moves forward and a more formal notification is required.

City Attorney Woodruff again stated the process for changing zoning included, first, the underlying Land Use; second, the proposed zone change; and third, permitting. Staff is proposing that the appointed and elected officials look at number one for right now. Anyone wanting to go in and change the property still has to rezone and permit the Use. People will still have an option to voice their concerns.

Council Member McQuiston said that the future thinking about the potential design of the City is a process. There aren't many streets in Decatur that are four lanes. So it is very limited, but this makes sense.

Council Member Holloway stated that they [the City Council] still have the opportunity to be able to go in whatever direction they want to go.

Commissioner Creswell stated that we cannot speak for future Planning and Zoning Commissions and City Councils, but in the past and presently, they have been very pro-consumer and this group would protect them.

Council Member McQuiston stated he would like to see one additional block in either direction of Hale Street. Mayor Woodruff stated that he would like to know why the Hale Street Corridor is so wide. What were we thinking? Planning Director stated that maybe there was some thought about the possibility of a property owner being able to assemble properties to create a larger tract and that led the City Council to suggest the two blocks on either side of Hale Street. Mayor Woodruff stated he would like to see the Corridor be one block wide on either side or that it may not need to go the entire way on Hale Street from US Highway 81/287 Business on the west and east sides. He would like to see a more restricted mixed-use land use district. Tiered like was mentioned for the expansion of the Downtown Land Use District.

Vice-Chairman LeMond responded that he thought the reason the second block is included is to attract more people. The purpose was to "attract" certain entities. He also stated if the idea is to attract certain entities, wouldn't it better to keep the two blocks north and south of Hale Street?

Mayor Woodruff agreed with Vice-Chairman LeMond; however, he still likes the idea of a tiered mixed-use district for the Hale Street Corridor. He said that he wasn't really looking to attract certain entities but was looking at it for the benefit of the existing property owners.

Council Member Parker said he wanted to know why the Council didn't look at the way people drive around the City. Why wouldn't we make changes based on the way the traffic flows, maybe make it Hale Street and then follow Trinity?

Commissioner Standridge talked about the drainage, sidewalks, curb & gutter improvements to help flooding on Hale Street. Mayor Woodruff said that if there was new development going on, City will require sidewalks and curb & gutter improvements. Commissioner Standridge also liked the idea of a tiered mixed-use land use district for the Hale Street Corridor.

Mayor Woodruff asked if anyone at the City had seen this done before or had any input on the one block versus two block proposal for the makeup of the Hale Street Corridor? Planning Director Ragland said every City is different. She listed other cities with very successful mixed use districts such as, Grapevine, Denton, and Fort Worth. Fort Worth has done some amazing mixed use districts that are pretty successful. Planning Director Ragland said that there was a whole neighborhood in Fort Worth. She thought it was made up of several blocks and several highly trafficked thoroughfares. She also pointed to the first mixed use land use corridor in Decatur, approved about three year ago along north US Hwy 81-287 Business. She pointed to this corridor as an example of one that has been designation, but there has been little activity in that area as a result of the change.

Property Owner Laine Gage stated she wasn't sure what the Council was going to do. One block on both sides of the Hale Street Corridor. What does that do? Mayor Woodruff said that he was suggesting one block north and south all the way through, not stopping at State Street or Trenchard Street.

Property Owner Laine Gage wanted to know about buffering and how that works. Planning Director Ragland explained that the City's Design Standards regulates buffering based on the Zoning District of the property and the surrounding properties. If the property being developed is zoned C-2, Thoroughfare Business and the surrounding zoning is Single Family, two landscape buffer strips are required and the buffering will have to be contextual to the neighborhood. Building Official Smith stated a good example of this type of buffering is the landscaping at Casa Torres.

Property Owner Laine Gage stated that one block or two blocks wouldn't make that big of a difference, in her opinion.

Mayor Woodruff stated that if a lot of the "undesirable" uses were limited, there would not be the larger buffer zones. He then asked if there was any other questions or comments. Seeing none, the Workshop was concluded.

Vice-Chairman LeMond adjourned the Planning and Zoning Commission Workshop at 6:33 p.m.

Mayor Woodruff adjourned the City Council Workshop at 6:33 p.m.

Cecil LeMond, Vice-Chairman

ATTEST:

Dedra Denée Ragland, Planning Director

MINUTES

A regular called meeting of the City of Decatur Planning and Zoning Commission was held at 5:30 p.m., Tuesday, May 1, 2018, at City Hall with the following in attendance:

MEMBERS PRESENT:

Cecil LeMond, Vice-Chairman
Curtis Creswell
Terry Berube
John Lanier

MEMBERS ABSENT:

William D. Edwards, Chairman
Eddie Allen
Eileen Standridge

OTHERS PRESENT: Planning and Development Director Dedra Ragland, City Engineer Earl Smith, Building Official Wayne Smith and Development Review Coordinator Cheryl Fuss, representing the staff; and Audra Rhine, Patrick Walters, Cheryl Walters, Chad Walters, Ron Volske, Buddy Miller, Beth McCurdy, Marissa Burger and Todd Burger representing the applicants.

Vice-Chairman LeMond called the meeting to order at 5:30 p.m.

ITEM 1: Consider and take appropriate action regarding approval of the Planning and Zoning Commission Meeting Minutes on April 3, 2018.

Commissioner Creswell made a motion to approve the Meeting Minutes for April 3, 2018. Commissioner Berube seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

Non-Public Hearing Items:

ITEM 2: FP2018-02 Commission to hear and take action to make a recommendation to City Council regarding Final Plat Application 2018-02—Mr. Jake Long's request, on behalf of J&S Wood Investments, to final plat Lots 1 & 2, Block 1, West Decatur Hill Subdivision, being a 28.41-acre tract of land in the G.M. Vigil Survey, Abstract Number 857, City of Decatur, Wise County, Texas. A complete legal description of the property is included in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

Commissioner Creswell made a motion to recommend approval of Final Plat Application 2018-02. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 3: RP2018-04 Commission to hear and take action to make a recommendation to the City Council regarding Replat Application 2018-04—Mrs. Beth McCurdy's request to final plat Lot 3R, Block 16, Range C, Devereux Addition, being approximately 0.56 acres and a commercial replat of part of Lots 3 and 4, Block 16, Range C, Devereux Addition, to the City of Decatur, Wise County Texas. A complete legal description is included in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

Commissioner Berube made a motion to recommend approval of Replat Application 2018-04. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 4: **V2018-04** Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-04—Mr. Buddy Miller’s request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 1, Section 106, Sidewalks of the City of Decatur’s Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.

Planning Director Ragland presented the staff report. Staff recommended approval.

Commissioner Creswell made a motion to recommend approval of Variance Application 2018-04. Commissioner Berube seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 5: **V2018-05** Commission to hear and take action to make a recommendation to City Council regarding Variance Application 2018-05—Mr. Buddy Miller’s request for a variance, on behalf of Todd Burger, Braided & Bundled, LLC, from Chapter 2, Section 201, Street Improvements of the City of Decatur’s Design Standards on approximately 112.52 linear feet along S. Hatcher Street and 75.75 linear feet along E. Park Street, where adjacent to the west and south boundary of proposed Lot 3A, Block 76, South Decatur Addition, and more commonly known as 1303 S. Hatcher Street, City of Decatur, Texas.

Planning Director Ragland presented the staff report. Buddy Miller stated that there was sporadic construction in the neighborhood. He also stated that installing the curb & gutter would hold the water off the neighbors. There is also a utility pole and fire hydrant on the corner at the stop sign. Marissa Burger, Todd Burger’s wife, asked if the ordinance referenced in the Staff Report applies to the proposed addition, as the ordinance states “new construction?” Planning Director Ragland responded, yes their proposed addition is new construction. Commissioner Creswell asked if the fire hydrant would need to be moved. City Engineer Smith said that the City would not require the applicant remove the fire hydrant or utility poles. City Engineer Smith also said that the City would work with the applicant to make sure that there would be no problem with drainage on their property. Staff did not recommend approval.

Commissioner Berube made a motion to recommend denial of Variance Application 2018-05. Commissioner Lanier seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

Public Hearing Items:

ITEM 6: **RP2018-03** Commission to hear and take action to make recommendation to the City Council regarding Replat Application 2018-03—Mr. Luis Martinez’s request to final plat Lots 1-4, Block 186R, Tarleton Addition, being approximately 0.782 acres and a replat of Block 186 and part of Block 187, James Tarleton Addition, to the City of Decatur, Wise County Texas. A complete legal description is included in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

Vice-Chairman LeMond opened the Public Hearing and asked if there were any questions or comments from staff and the audience. There were no comments. Public Hearing was closed.

Commissioner Berube made a motion to recommend approval of Replat Application 2018-03. Commissioner Creswell seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 7: RP2018-05 Commission to hear and take action to make a recommendation to the City Council regarding Replat Application 2018-05—Mr. Buddy Miller’s request, on behalf of Mr. Todd Burger, to final plat Lot 3A, Block 76, South Decatur Addition, being approximately 0.196 acres of land and a replat of part of Lot 3, Block 76, South Decatur Addition, to the City of Decatur, Wise County Texas and more commonly referred to as 1303 S. Hatcher St., Decatur, Texas. A complete legal description is included in the staff report.

Planning Director Ragland presented the staff report. Staff recommended approval.

Vice-Chairman LeMond opened the Public Hearing and asked if there were any questions or comments from staff and the audience. There were no comments. Public Hearing was closed.

Commissioner Berube made a motion to recommend approval of Replat Application 2018-05. Commissioner Creswell seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 8: SI2018-01 Commission to hear and take action to make a recommendation to City Council regarding an ordinance amending Appendix “B,” “Zoning” of the Code of Ordinances of the City of Decatur, Texas to adopt regulations relating to Article 5, “Zoning Districts” relative to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District to regulate Multiple Family Dwellings in a Mixed Use Development, relating to Article 6, “Use Chart,” Table 7 to allow Multiple Family Dwellings as Part of a Mixed Use Development with a Specific Use Permit and to remove the Loft Apartment Use as an allowed use in the Multiple Family Zoning District, providing amendments to Article 3, “Definitions” and other sections of Appendix “B”, “Zoning” as related to and resulting from the foregoing amendments to the C1-A, Decatur Square Business District and the C-2, Thoroughfare Business District.

Planning Director Ragland presented the staff report. Staff recommended approval.

Vice-Chairman LeMond opened the Public Hearing and asked if there were any questions or comments from staff and the audience. There were no comments. Public Hearing was closed.

Commissioner Lanier made a motion to recommend approval of Staff Initiated Application 2018-01. Commissioner Creswell seconded the motion. The motion passed 4-0, Chairman Edwards and Commissioners Allen and Standridge absent.

ITEM 9: New and/or future business items:

- a. June meeting currently has one (1) application:
 - i. SUP2018-01 – Fifty Fifty Properties LLC Day Care in South Martin Branch PD (Branscum)

The meeting adjourned at 6:07 p.m.

Cecil LeMond, Vice-Chairman

ATTEST:

Dedra Denée Ragland, Planning Director



STAFF REPORT

June 19, 2018—Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners

CASE: SUP2018-01

FROM: Dedra D. Ragland, AICP, Planning Director

APPLICANT: Fifty Fifty Properties, LLC

DATE: May 24, 2018

REQUEST: Specific Use Permit

Case Notes:

Commission to hear and take public comment and take action to make a recommendation to City Council regarding Specific Use Permit Application 2018-01—Fifty Fifty Properties, LLC's request, on behalf of South Martin Branch, LP, for a Specific Use Permit to allow a Day Care in a Thoroughfare Business (C-2) Zoning District in the South Martin Branch Planned Development (PD), on approximately 0.98 acres of land being legally proposed as Lot 37, Block F, South Martin Branch Addition, Phase 5 or more commonly referred to as 420 Martin Branch Rd., Decatur, Texas. A complete legal description is found in "Attachment 6" of this staff report.

The SUP is requested so that the applicant may be permitted to open a day care in a Thoroughfare Business (C-2) Zoning District.

Daycare application was submitted previously as SUP2017-07. Following the City Council's first reading of the Ordinance, opposition to the application had reached 26.01%. Per section 4.4.7.D. of the Zoning Ordinance, a favorable vote of three fourths (3/4) of all members of the City Council was required. On March 26, 2018, the City Council denied the application. Applicant has resubmitted a new SUP application due to the following:

1. The Texas Department of Transportation (TXDOT) is reviewing reducing the speed limit along FM730 at City's request.
2. Applicant has spoken to property owner located south of site and in the ETJ, and will provide a buffer to the satisfaction of the adjoining property owners. The adjoining property owners have indicated they will not oppose the request. Property owner's land represents approximately 24.43% of the area of the lots or land immediately adjoining the area covered by the proposed SUP and extending 200' from that area.

Legality:

According to Article 5 "Zoning Districts," Subsection 5.2.5 "SUP, Specific Use Permit", the City Council of the City of Decatur, Texas, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated by "S" in the Land Use Schedule, shown in Article 6 "Use Regulations," Section 6.1 "Use Chart."

Also pursuant to 5.2.5.E.(6) of the Zoning Regulations, a Specific Use Permit shall be amended or rescinded if one (1) or more of the following occurs:

1. "There is a violation and conviction of any of the provisions of this Ordinance that occurs on the property for which the Specific Use is granted;

2. The building, premises, or land use authorized by the Specific Use Permit is enlarged greater than ten percent (as noted in (3)(a)(ii)), modified, structurally altered, or otherwise changed in violation of the terms of the Specific Use Permit and/or this Ordinance;
3. No activity or progress has occurred on the property for a period of two (2) years or longer;
4. Violation and correction of any provision of the terms or conditions of a Specific Use Permit, for which ten (10) days written notice of violation has been provided to the owner or occupant, and which violation is not remediated in accordance with the written notice. One (1) or more incidents of recurrence of the same violation(s) for which a correction was rendered within a calendar year period shall be cause for revocation of a SUP without additional notice to the Owner or Occupant, other than notice of date and time of public hearing pursuant to this Section;
5. Ad valorem taxes on the property are delinquent by more than six (6) months; or
6. The Specific Use Permit was obtained by fraud or with deceptions.”

Additionally, excerpts from Subsection 5.2.5 SUP, Specific Use Permit, of Article 5 of the Zoning Regulations read as follows:

- A. *General Description and Purpose.* The uses listed under the various zoning district classifications set forth in the Ordinance as uses allowed with an approved Specific Use Permit are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district, and therefore require additional review and regulation to ensure compatibility with surrounding uses.
- B. *Consideration for Compatibility.* With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain Uses requiring a Specific Use Permit may locate in an area where they will be compatible with existing or planned land uses generally allowed within a Zoning District.
- C. *Review and Approval Authorities.*
 - 1) The Planning and Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit Application.
 - 2) Upon receipt and consideration of the recommendation from the Planning and Zoning Commission, the City Council shall review each case on its own merit, apply the criteria set forth in this Section and other related factors deemed necessary and appropriate given the facts and circumstances presented, and, if appropriate, authorize said use by granting a Specific Use Permit for the use. The City Council shall have the discretion to impose conditions in addition to those recommended by the Planning and Zoning Commission or to alter or remove such recommended conditions if the City Council determines such action to be necessary and appropriate to ensure compatibility or ensure protection of public health, safety, and welfare.
- D. *Application and Site Plan Required.*
 - 1) Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an Application for Rezoning. A Site Plan shall be included with the application.
 - 2) The Planning and Zoning Commission or City Council may require additional information or drawings including but not limited to building floor plans, operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed as it determines necessary and appropriate to evaluate the application.

Analysis:

- The zoning districts in which licensed child care centers or daycares are permitted with a Specific Use Permit (SUP): SF-1, Single Family Residential; SF-2, Single Family Residential; TH,

Townhouse; 2F, Two Family Residential; MF, Multiple-Family Residential; C-O, Office; C-1, Restricted Business; C-1A, Downtown Square; C-2, Thoroughfare Business; and **PD, Planned Development**.

- Given the residential nature of the South Martin Branch Planned Development and the underlying commercial zoning of the tracts at the entryway to the subdivision, a daycare will be compatible with the existing and planned land uses generally allowed within the Planned Development.
- The daycare will also not be a detrimental land use to the properties adjacent to the Planned Development or to the City as a whole.
- The proposed daycare and site plan are in substantial compliance with the criteria for granting an SUP.
- Staff is not recommending that any additional conditions be imposed for approval of the SUP.
- Preliminary plat application (PP2017-15) and final plat application (FP2017-15) have been approved.
- Fifteen (15) property owners were notified. Staff has received four responses opposed to the request and seven responses in favor of the request. The opposition represents 26.23%. **(Per section 4.4.7.D. of the Zoning Ordinance, a favorable vote of three fourths (3/4) of all members of the City Council is required.)**
- Property owners outside of the 200' notification area have also submitted a petition in opposition to the proposed Day Care.

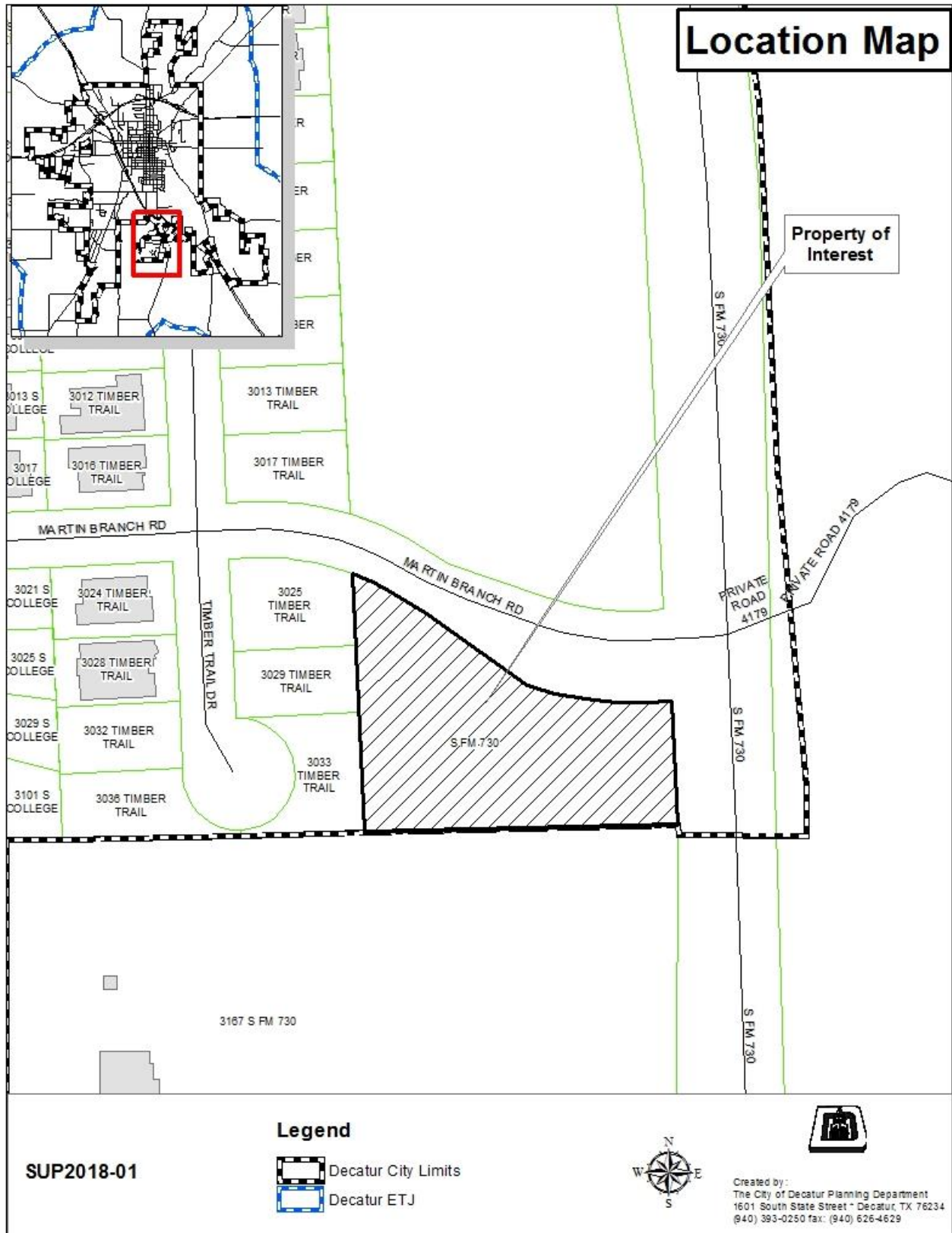
Recommendation:

Staff recommends approval.

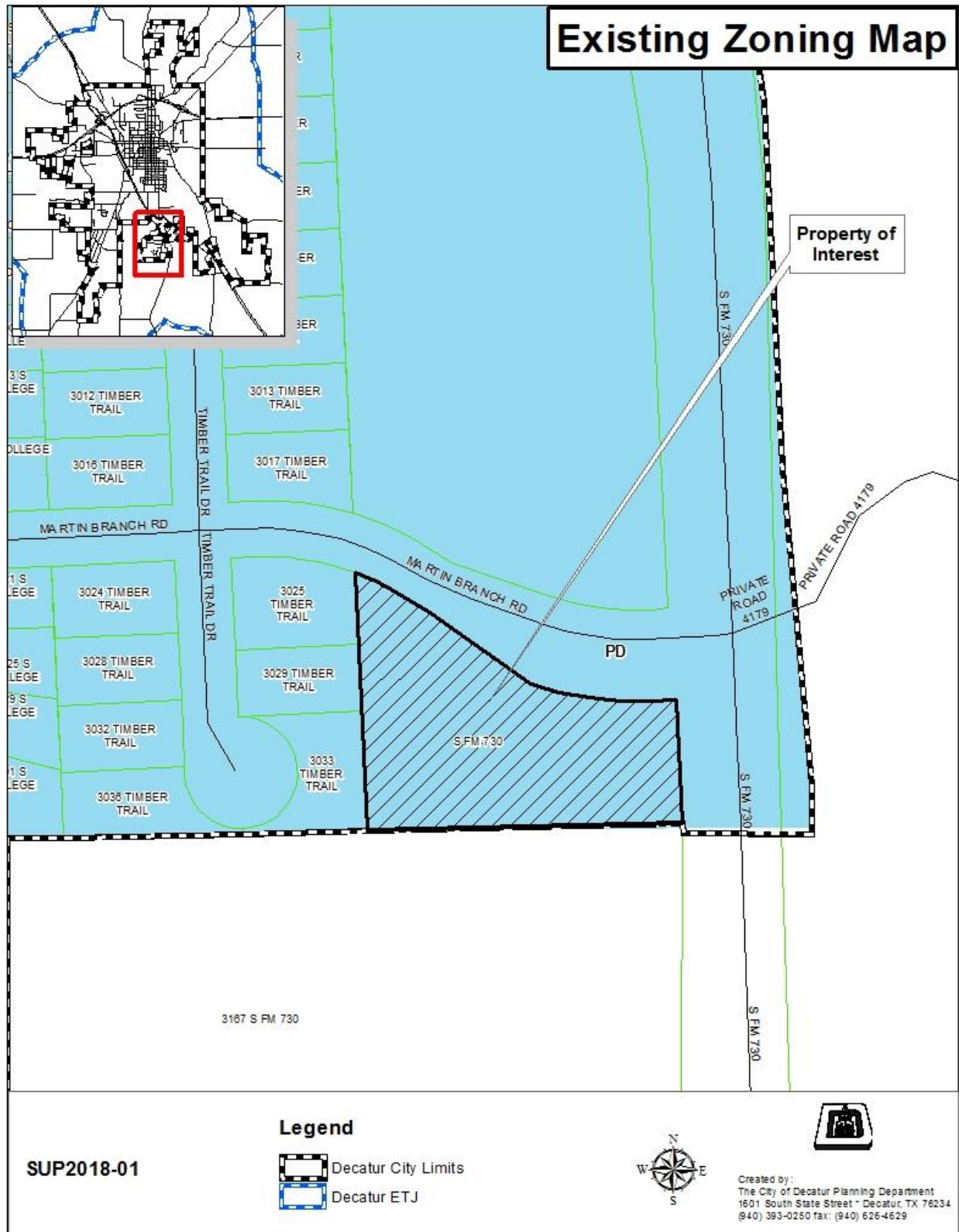
Attachments:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Proposed Site Plan
5. 200' Property Owner Notification Map
6. Property Owner Response Letters
7. Traffic Analysis Memo
8. Draft Ordinance

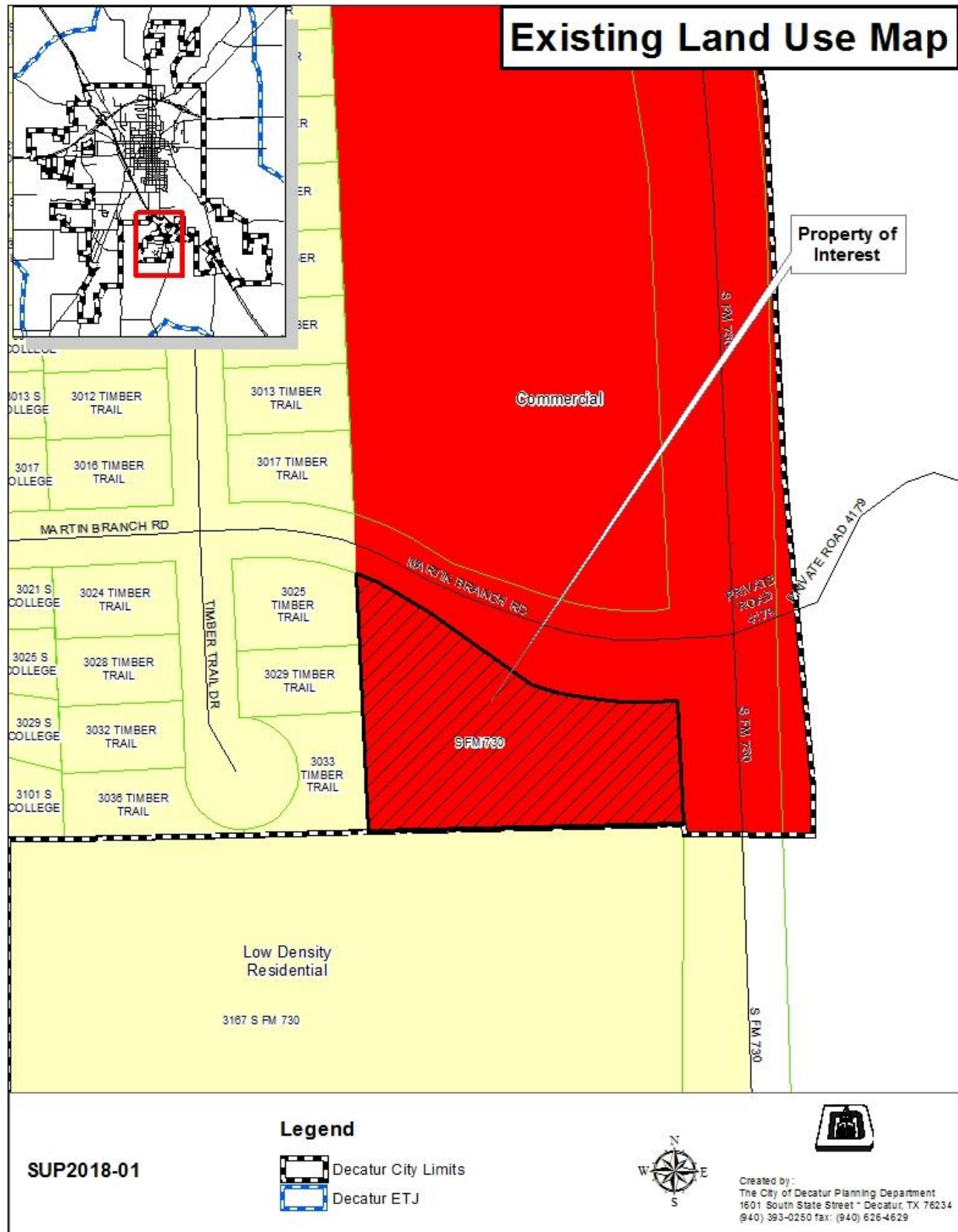
Attachment 1
Location Map



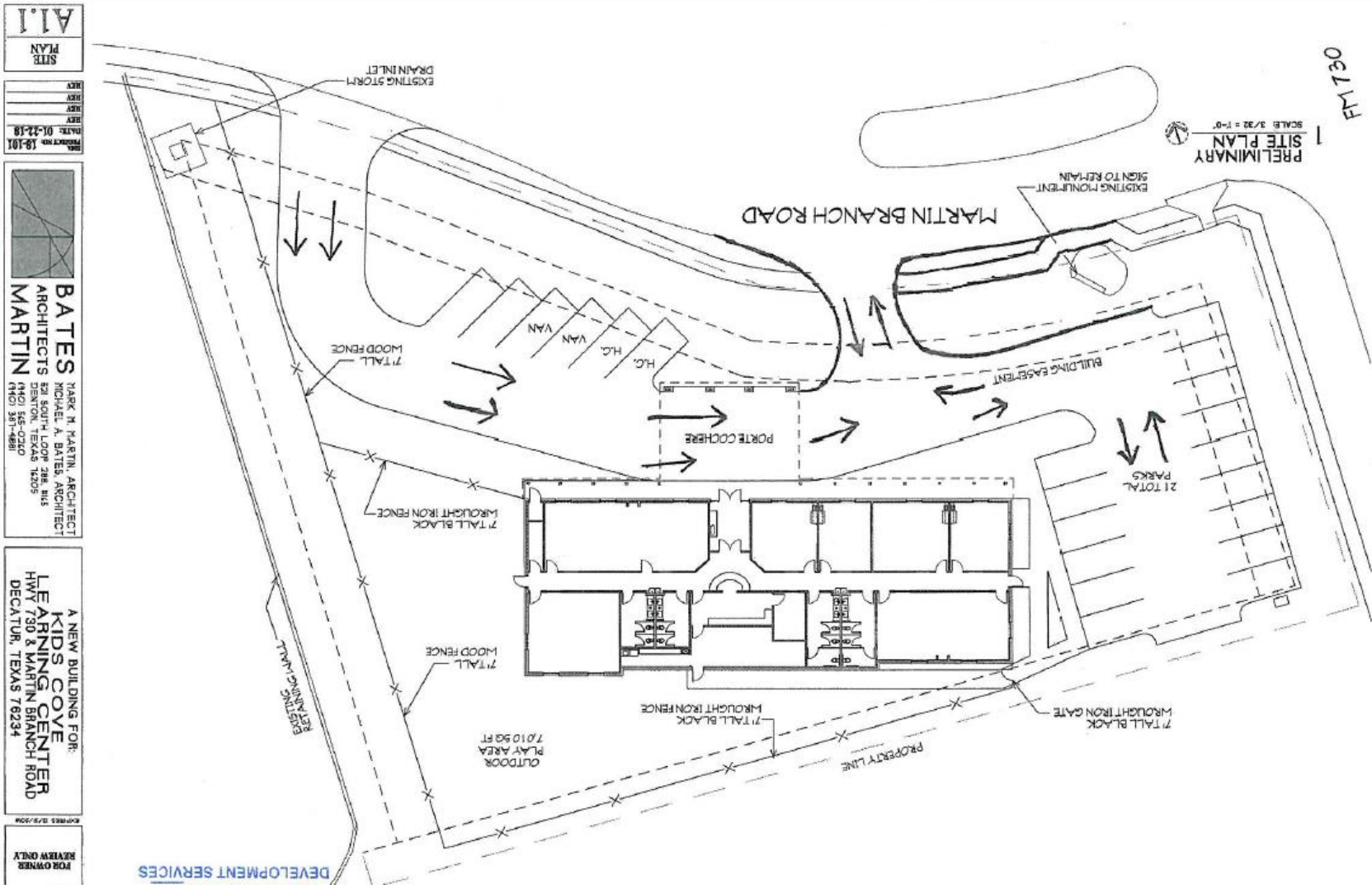
Attachment 2
Existing Zoning Map



Attachment 3
Existing Land Use Map



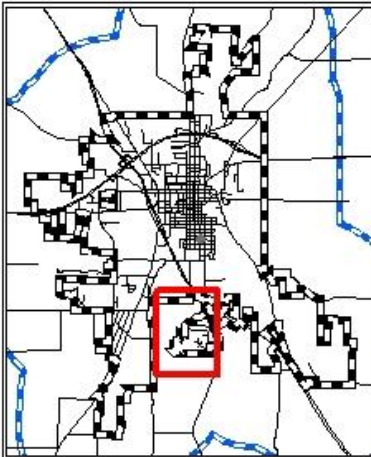
Attachment 4
Site Plan



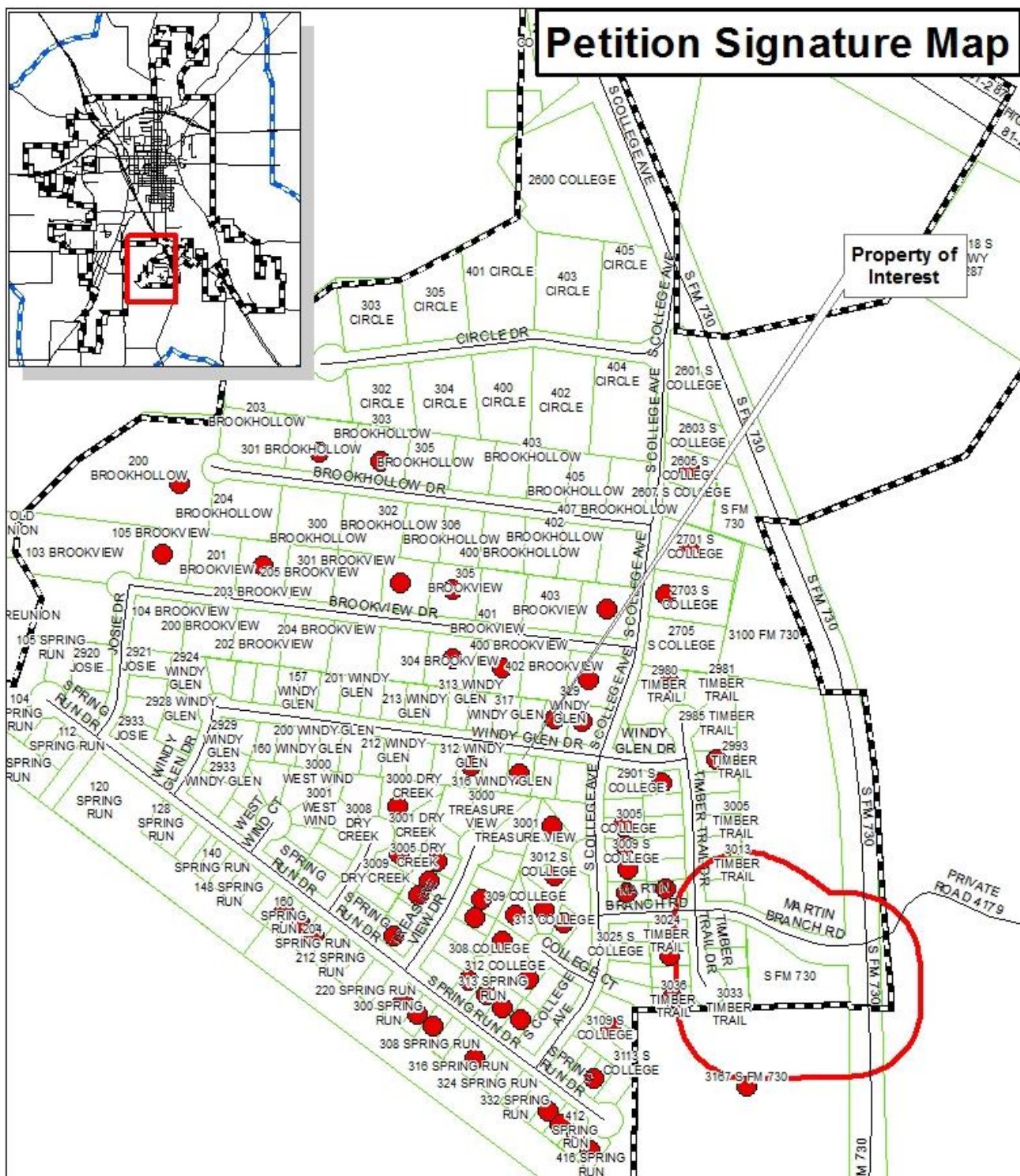
Attachment 5



Petition Signature Map



Property of Interest



SUP2018-03
06/14/2018

Legend

- Decatur City Limits
- Decatur ETJ



Created by:
The City of Decatur Planning Department
1601 South State Street • Decatur, TX 76234
(940) 393-0250 fax: (940) 626-4629

Attachment 6
Property Owner Response Letters



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Mailed 06/01/18

Notice of Public Hearing Specific Use Permit SUP2018-01

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on Tuesday, June 19, 2018, at 6:00 p.m. at the City Hall Chamber located at 201 E. Walnut, Decatur TX 76234 for the consideration and recommendation of Specific Use Permit Application 2018-01—Fifty Fifty Properties, LLC.'s request, on behalf of South Martin Branch, LP, for a Specific Use Permit to allow a Day Care in a Thoroughfare Business (C-2) Zoning District in the South Martin Branch Planned Development (PD), on approximately 0.98 acres of land being legally described as Lot 37, Block F, South Martin Branch Addition, Phase 5 or more commonly referred to as 420 Martin Branch Rd., Decatur, Texas.

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1601 S. State Street
Decatur, Texas 76234

Attn: Dedra D. Ragland, AICP, Planning Director

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Please circle one:

In favor of request

Neutral to request

☒ Opposed to request

Reasons for Opposition:

Increased traffic into housing addition. Coming & going. Increased noise to the community. It's a nice quiet community safety concerns.

Signature:

Printed Name:

Mailing Address:

City, State, Zip:

Telephone Number:

Physical Address of Property within 200 feet:

Daddy Harris, Jr. & Jimmy Harris

3016 Timber Trail Drive

Decatur TX 76234

817-939-1207

3016 Timber Trail Dr.



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Mailed 06/01/18

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Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Traffic Concerns- Do not feel that even with traffic study that this is reason enough to say it is o.k. Study is old & outdated

Signature: _____

Printed Name: *Breanna + Andrea W. Allen*

Mailing Address: *3028 Timber Trail Dr*

City, State, Zip: *Decatur TX 76234*

Telephone Number: *940-389-4311*

RECEIVED

JUN 08 2018

CITY OF DECATUR
DEVELOPMENT SERVICES

Physical Address of Property within 200 feet: Tax ID: *R000502817* Property Address: *3028 TIMBER TRAIL*



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Mailed 06/01/18

Notice of Public Hearing

Specific Use Permit SUP2018-01

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Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Additional traffic, safety issues existing
subdivision additional noise - See attached -

Signature: Sharon Meyer

Printed Name: Sharon Meyer

Mailing Address: 3036 Timber Trail Dr.

City, State, Zip: Decatur, TX 76234

Telephone Number: 940-255-0002

RECEIVED

JUN 08 2018

CITY OF DECATUR
DEVELOPMENT SERVICES

Physical Address of Property within 200 feet: Tax ID: R000502819 Property Address: 3036 TIMBER TRAIL



CITY OF DECATUR, TEXAS

Development Services ★ 1601 S. State Street ★ Decatur, TX 76234 ★ (940) 393-0250 voice ★ (940) 626-4629 fax

Mailed 06/08/18

Notice of Public Hearing

Specific Use Permit **SUP2018-01**

The Planning and Zoning Commission (P&Z) of the City of Decatur will hold a public hearing on **Tuesday, June 19, 2018, at 5:30 p.m.** at the City Hall Chamber located at **201 E. Walnut, Decatur TX 76234** for the consideration and recommendation of Specific Use Permit Application 2018-01—Fifty Fifty Properties, LLC.'s request, on behalf of South Martin Branch, LP, for a Specific Use Permit to allow a Day Care in a Thoroughfare Business (C-2) Zoning District in the South Martin Branch Planned Development (PD), on approximately 0.98 acres of land being legally described as Lot 37, Block F, South Martin Branch Addition, Phase 5 or more commonly referred to as 420 Martin Branch Rd., Decatur, Texas.

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Please circle one:

☒ In favor of request

☐ Neutral to request

☐ Opposed to request

Reasons for Opposition: _____

Signature: _____

Printed Name: _____

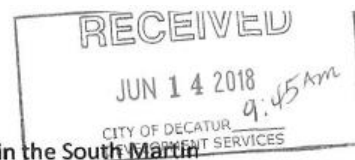
Mailing Address: _____

City, State, Zip: _____

Telephone Number: _____

Physical Address of Property within 200 feet: Tax ID: R000005590 Property Address: S FM 730

①



I opposed the request for a Specific Use Permit for a Day Care to be built in the South Martin Branch Subdivision located at Lot 37, Block F. South Martin Branch Addition referred to as 420 Martin Branch Rd., Decatur, TX. My reasons are as follows:

1. The additional traffic that will be generated as parents are coming and going as they drop off their children each morning and pick up their children after work each day while our working residences will be using this same exit and entrance at the same time to leave and return from work. We have one entrance in the South Martin Branch Subdivision.
2. Safety issues with site distance when leaving subdivision due to curve in FM 730 with a speed limit of 60mph on FM730. The South Martin Branch exit has a slight incline that hinders site and speed to enter FM730 getting into the 60 mph plus traffic.
3. The additional noise of these children playing outside in their play area. South Martin Branch is a "single family" residential area and this would change the quite single family residential atmosphere that we now have and enjoy.

NAME (Print)	ADDRESS	PHONE
Sharon Meyer	3036 Timber Trail Dr.	940-255-0002
Betty Smith	3005 S College Ave.	940-626-980
Shirley Ann	3005 S College Ave.	303-249-389-
Rodney G. Rowe II	3017 S College Ave	919-761-9528
Tal Smith	3028 Timber Trail Dr.	
Judy Young	3004 S. College Ave.	903-312-7490
Amey Sillebi	317 College Court	940-393-9480
Lee Ann Jennings	313 College Court	940-531-8494
Jared Steinkamp	309 College Ct.	817-276-9933
Kimberly Steinkamp	309 College Ct	817-689-6149
Jocelyn Arichiga	409 Spring Run Dr	940-577-6738
Frankie Smith	405 Spring Run Dr	940-210-1312
Jayanna Kelly	416 Spring Run	210-287-3698
JoBetha Morton	412 Spring Run	940-210-9011
Lauren Morton	412 Spring Run	940-210-9559
Jackie Hughes	300 Spring Run	940-626-0361
Becky Garland	3109 S College Ave	940-389-9106
Dustin Garland	3109 S College Ave	940-389-7800
Sarce Raymond	308 College Ct.	409-396-5108
Gary Alexson	316 College Ct.	779-913-0226
Jo Woodruff	2996 Timber Trail Dr.	940-627-1167
Shirley Bennett	2993 Timber Trail.	
Robert Bennett	2993 Timber Trail.	
Shirley Bennett	3028 Timber Trail Dr.	940-389-4311
"Shirley"		

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NAME	ADDRESS	PHONE
LOYD DICKENSON	409 SPRING RUN DR	740-627-3315
Colly Dickerson	408 Spring Run Dr	940-627-3315
Janey Wall	404 Spring Run Dr. Decatur	940-229-1548
Yong Newkirk	321 SPRING RUN DR	940-389-0032
Eddie Terison	309 Spring Run Dr	(940) 577-5821
Elizabeth Terison	309 Spring Run Dr	(940) 577-5821
Clayton Terison	314 Spring Run Dr.	(914) 755-7532
Marcus Landley	204 Spring Run Dr	806-292-8838
May Schar	200 Spring Run Dr	806-296-6915
Michelle Odom	202 Spring Run Dr.	806-296-6915
Delma Pippa	308 Spring Run Dr	817-905-1951
Acie Raymond	308 College Court Decatur, Tx	76234 940 51073
James Simmons	302 S. College Ave Decatur TX	940-273
Marcia Simmons	3012 S. College Ave Decatur TX	1850
Ginger Smith	3020 Treasure View Dr Decatur	817-612-1151
Billy Smith	3020 Treasure View Dr Decatur	817-754-6806
Nancy Schommer	3016 Treasure View Dr Decatur	817-640-1819
Kurt Nix	3012 Treva View Dr. Decatur TX	940-255-3543
Bryan Bishop	160 Spring Run Dr Decatur TX	432-934-5292
Mary Bishop	160 Spring Run Dr. Decatur TX	254-258-3349
Nan Weller	320 SPRING RUN DR Decatur, TX	76234
Barbara Weller	320 Spring Run Decatur TX	76234
Jonathan E. Shriver	320 Windy Glen Dr. Decatur TX	76234
Kara L. Shriver	320 Windy Glen Dr. Decatur TX	76234

2

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NAME	ADDRESS	PHONE
Andrea Williams	3028 Timber Trail Drive	940-389-1916
Heddy Harris	3016 Timber Trail Drive	817-939-1207
Jimmy Harris	3016 Timber Trail Drive	817-736-5805
BET Ellis	3117 Spring Run Dr	806-535-8233
Diana Ellison	3117 Spring Run Dr	281-705-8076
Ron Biezina	313 Spring Run Dr	682-351-9956
Lake Rodden	3013 Treasure View Dr.	817-822-2293
Amy Monett	3013 Treasure View Dr.	817-991-0751
JOSEPH V. NICOLASI	3000 Dry Creek Cr	940-393-8778
CECIL HAUCK	3005 Dry Creek	972-948-9153
Jennifer Scudiero	404 Brookview Dr.	972-999-6062
Michael Scudiero	404 Brookview Dr.	972-979-5797
MAT BUNN	303 Brookview	940-577-5501
Robyn Lowrie	305 Brookview	214-475-5800
Rhonda Small	105 Brookview	940-627-6819
Wesley Small	105 Brookview	940-627-6819
Cindy Cox	2703 College Ave	940-626-0735
Norbert Cox	2703 College Ave	940-626-0735
Kenneth McKay	405 Brookview	940-627-2352
Dorothy McKay	405 Brookview	940-627-2352
Patrick Brookview	203 Brookview	214-801-1992
Jack Brookview	203 Brookview	214-714-7297
Dolly Kiegn	2605 S. College	940-393-3293

4

I opposed the request for a Specific Use Permit for a Day Care to be built in the South Martin Branch Subdivision located at Lot 37, Block F. South Martin Branch Addition referred to as 420 Martin Branch Rd., Decatur, TX. My reasons are as follows:

1. The additional traffic that will be generated as parents are coming and going as they drop off their children each morning and pick up their children after work each day while our working residences will be using this same exit and entrance at the same time to leave and return from work. We have one entrance in the South Martin Branch Subdivision.
2. Safety issues with site distance when leaving subdivision due to curve in FM 730 with a speed limit of 60mph on FM730. The South Martin Branch exit has a slight incline that hinders site and speed to enter FM730 getting into the 60 mph plus traffic.
3. The additional noise of these children playing outside in their play area. South Martin Branch is a "single family" residential area and this would change the quite single family residential atmosphere that we now have and enjoy.

NAME	ADDRESS	PHONE
Kim Herrera	312 Windy Glen pr.	940-389-0711
Jeff Helms	712 Windy Glen pr	940-389-771
Jandra Davis	3009 South College Ave.	940-577-1958
Tricia Gwin	329 Windy Glen	940-389-4324
Doree Colein	329 Windy Glen	940-389-4324
Janet Huff Justus	3013 South College Ave	870-292-9349
Yazma	3013 South College Ave	870-292-9349
Misty Barclay	400 Brookview	817-403-3370
Jody Barty	400 Brookview	817-403-3269
* Tommy Stephens	304 Brookview	622-31-3811
Chris Forbes	200 Brookhollow	627-1630
Natal Forbes	200 Brookhollow	627-1630
Joni Forbes	200 Brookhollow	627-1630
Tady Lambert	303 Brookhollow	627-3990
Arndt Nivens	301 Brookhollow St	627-0689
Glenra Jack	2701 S. College Ave	626-1520
Dianne Smith	3017 Treasure View	325-232-3003
Stephan A Smith	3017 Treasure View	325-232-3003
JANIE CLARK	2980 Timber Trail Pr	940-704-0747
Robert "Scott" CLARK	2980 Timber Trail Pr	940-377-6229
Franky Shull	3167 SFM 730	940-393-6204
Sharon Walben	325 Windy Glen pr	940-393-0836
Jeta Walker	325 Windy Glen pr	940-393-0857
Sam Shull	3167 SFM 730	940-627-7767

Attachment 7
South Martin Branch Traffic Memo



**City of Decatur
City Engineer**

Memo

To: Dedra Ragland, Planning Director
From: Earl Smith, P.E., CFM, City Engineer
Date: June 15, 2018
Re: Retail Development; South Martin Branch

South Martin Branch Subdivision is a Planned Development addition to the city and was approved by Ordinance No. 2007-05-12, on May 14, 2007. The development is comprised of 84.909 acres, originally master planned to have 270 single family homes, 12.39 acres of open space and 5.23 acres of retail space. The retail space is provided for along the development frontage with FM 730.

As part of the development process, detailed studies were required of the developer to show that adequate utilities would be provided including water service, wastewater service and transportation (traffic).

An application was made (April-May 2018) and P&Z and City Council considered a Special Use Permit for a licensed day care facility on a 0.98 acre lot in the retail designated portion of the approved Planned Development.

City Council denied the SUP after considering comments heard from concerned citizens regarding;

1. Increased traffic caused by the licensed day care facility
2. Safety issues regarding speed and sight distances on FM 730
3. Noise from children playing outside

What follows is a summary of facts to consider for the project.

Immediately on the north side of S. Martin Branch exist a neighborhood commonly called "Brookhollow" comprised of 59 single family houses. Earliest recorded plat of the neighborhood dates back to 1957, prior to any city subdivision ordinance. The neighborhood had only one way in/out (South College), intersecting FM 730, approximately ¼ mile south of US HWY 81/287. The speed limit at this intersection is 55 mph on FM 730.

In 2006, planning for a Planned Development, now called South Martin Branch began. A rigorous, city required development process, was followed in accordance with the city's Subdivision Ordinance.

Comment 1. Increased traffic caused by the licensed day care facility

- The developer was required to prepare a Traffic Impact Analysis (TIA). This document was prepared by a Professional Engineer, licensed to practice in Texas and qualified to perform such work. The stated purpose of the TIA was to “determine the impact of vehicular traffic projected to be generated by this site on the adjacent roadway system”. The TIA was reviewed and approved by the city, TxDOT local area office and Fort Worth district office.

The most significant findings of the TIA were:

1. Right turn lane improvements would be required on FM 730 when the development consisted of 131 homes.
2. Left turn lane improvements would be required on FM 730 when the development consisted of 202 homes.
3. That “level of service” at full build-out plus 5 years would occur at an acceptable service level of “D”.

The developer chose to construct recommended turn lane improvements to FM 730 during phase 1 of the subdivision instead of waiting for certain build-out criteria as delineated in the TIA. Construction of the turn lanes was in accordance with TxDOT standards and approved by TxDOT.

- The TIA indicates the “Calculated End Trips” for South Martin Branch as follows:
 - 270 Single Family dwellings, ADT = 2584 vpd
 - 55,530 SF retail development, ADT = 2385 vpd
- ITE Vehicle Trip Generation Rates show that for a Daycare Center, assuming a 6000 SF facility, total generated ADT = 476 vpd.
- Some citizens commented about the “cut through” traffic from South Martin Branch on S. College to enter/exit onto FM 730.
 - Decatur City Police have conducted traffic counts on S. College to obtain actual data to document the amount of traffic at the intersection. Data shows that the actual measured average daily traffic (ADT) is 358.
 - ITE Vehicle Trip Generation Rates show that for 59 single family homes in “Brookhollow Subdivision”, ADT = 565.
 - At South Martin Branch Road intersection with FM 730, data shows that the actual measured average daily traffic (ADT) is 70.

Although it is fair to acknowledge that some cut through traffic will occur, actual counts are substantially lower than would be predicted using accepted practices.

It should be noted that the TIA predicted 10% cut through traffic, each way, from South Martin Branch.

Obviously, the addition of any development will cause an increase in traffic. The TIA professionally predicts impacts of increased traffic and recommended mitigation projects to accommodate the increases in traffic and provide satisfactory “Level of Service”.

Retail Development; South Martin Branch, cont'd

Comment 2: Safety issues regarding speed and sight distances on FM 730

The Mayor has sent a letter to Ms. Edrean Cheng, P.E., TxDOT Local Area Engineer, requesting TxDOT to lower the speed limit on FM 730 in this vicinity to 50 mph, citing issues with sight distances. TxDOT advises us that they will have to conduct a speed study and study the sight distance issues. The request has been forwarded to the Fort Worth District office for consideration. It may take several months for the work to be completed.

It should be noted that no reported accidents have occurred at the intersection of South Martin Branch Road and FM 730.

Comment 3: Noise from children playing outside

No comment, this is not considered a technical issue.

Attachment 8
Draft Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF DECATUR, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DECATUR, GRANTING A SPECIFIC USE PERMIT ALLOWING FOR A LICENSED DAY CARE FACILITY FOR PROPERTY LOCATED AT 420 MARTIN BRANCH RD, AN APPROXIMATELY 0.98 ACRES OF LAND BEING LEGALLY DESCRIBED AS ALL THAT CERTAIN TRACT OR PARCEL OF LAND LOTS 37, BLOCK F, SOUTH MARTIN BRANCH ADDITION, PHASE 5. (SUP2018-01)

WHEREAS, the current zoning of the tract of land is Planned Development (PD); the operation of a licensed day care facility is allowed with a Specific Use Permit (SUP); and

WHEREAS, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, according to its legend to indicate that the affected area has conditional and limited uses, and such amendment is to indicate the appropriate zoning district for the approved use and prefixed by an “S” designation; and shall be indicated by numerical designation on the Zoning District Map; and issued to the property; and

WHEREAS, said application has been properly heard by the Planning and Zoning Commission of the City of Decatur, Texas, as required by State statutes and the Zoning Ordinance of said City; and

WHEREAS, said Planning and Zoning Commission has made recommendation that the change of the zoning classification as requested be APPROVED, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Decatur, Texas, at a called public hearing did consider all appropriate factors in determining whether to grant such requested amendment; and

WHEREAS, the City Council of the City of Decatur, Texas does find that the requested amendment is in the public interest and that the zoning change does not unreasonably invade the rights of adjacent property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR TEXAS:

SECTION 1. The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended and changed in that the use of the property described upon the attached Exhibit “A” (which Exhibit is made a part hereof for all purposes) is hereby changed and assigned a

Specific Use Permit for the operation of a licensed day care facility, on the property located at 420 Martin Branch Rd.

SECTION 2. The Planning Director is hereby directed to correct the official zoning map of the City of Decatur, Texas, to reflect the herein change in zoning.

SECTION 3. In all other respects, the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Decatur Zoning Ordinance and all other applicable and pertinent ordinances of the City of Decatur, Texas.

SECTION 4. This ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5. This ordinance shall take effect on its final passage, and it is so ordained.

PRESENTED ON FIRST READING THIS 25th DAY OF JUNE, 2018.

PRESENTED ON SECOND READING AND APPROVED THIS 9TH DAY OF JULY, 2018, BY A VOTE OF _____ AYES, _____ NAYS, _____ ABSTENTIONS, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.

APPROVED:

Martin B. Woodruff, MAYOR

ATTEST:

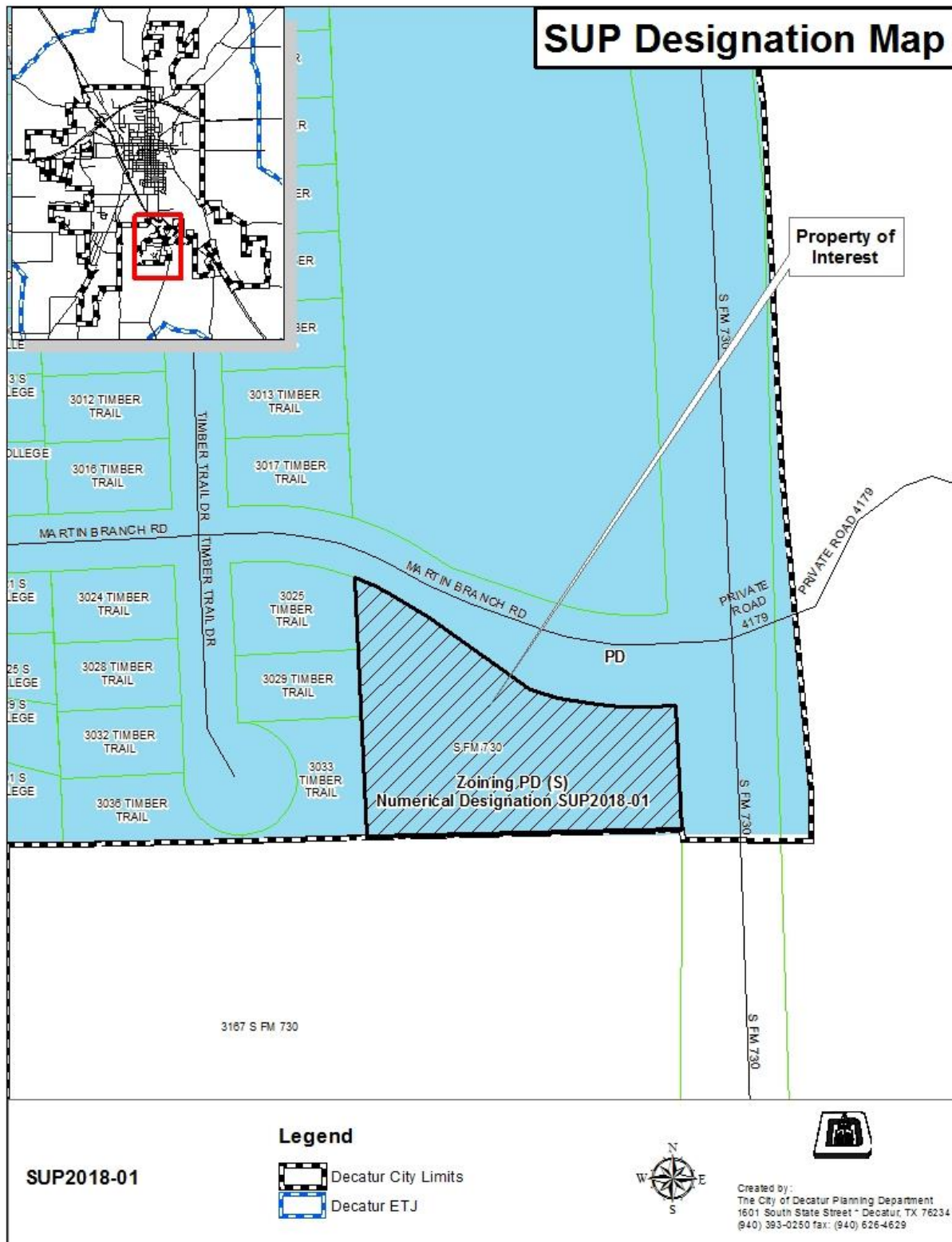
Diane Cockrell, TRMC, CITY SECRETARY

APPROVED AS TO CONTENT AND FORM:

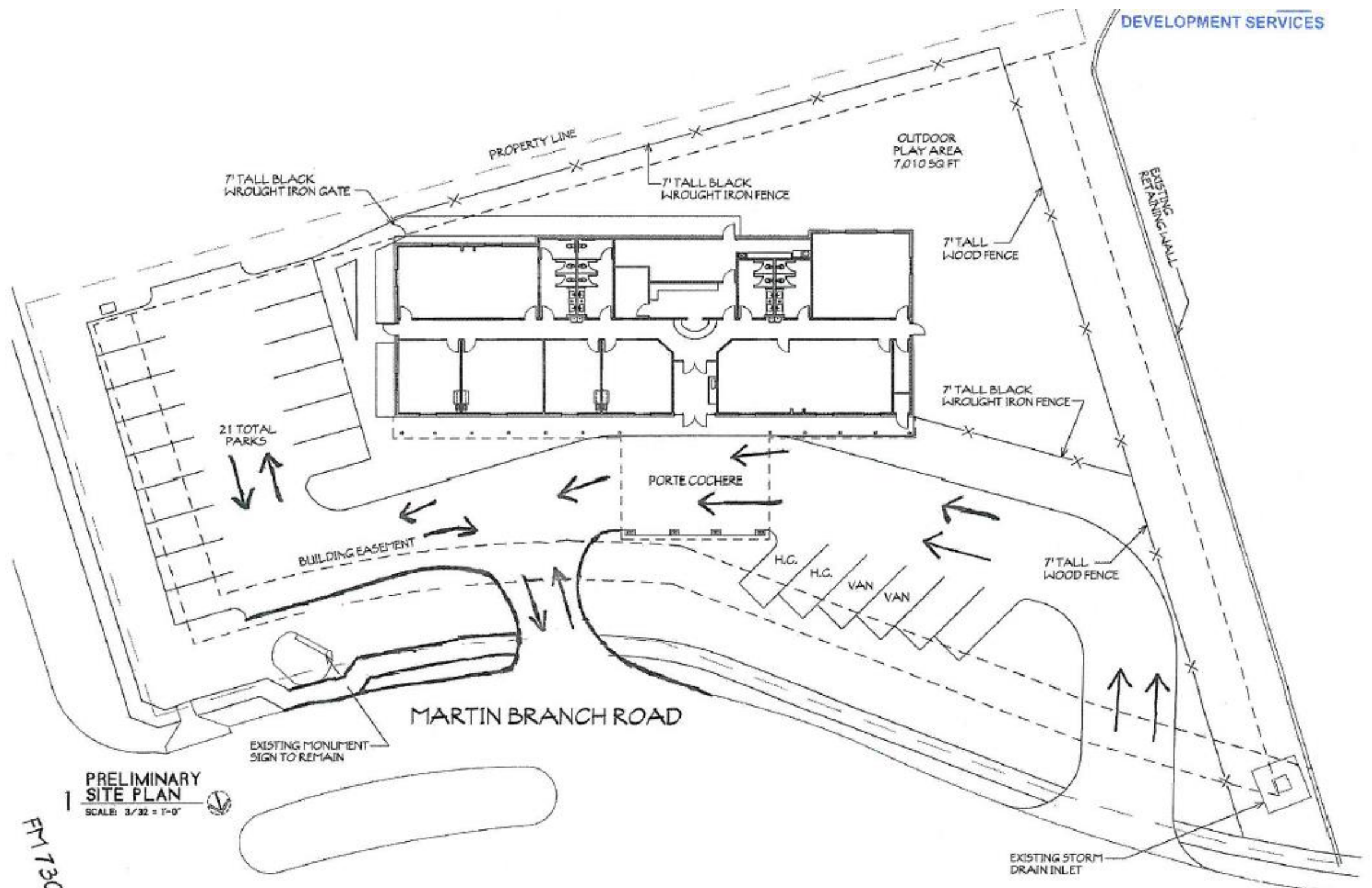
Mason L. Woodruff, CITY ATTORNEY

EXHIBIT “A”
SUP Zoning Designation Map
Proposed/Preliminary Site Plan
Approved Final Plat
Legal Description

SUP Zoning Designation Map



Proposed/Preliminary Site Plan



FM 730

PRELIMINARY
SITE PLAN
SCALE: 3/32" = 1'-0"

FOR OWNER
REVIEW ONLY

A NEW BUILDING FOR:
**KIDS COVE
LEARNING CENTER**
HWY 730 & MARTIN BRANCH ROAD
DECATUR, TEXAS 76234

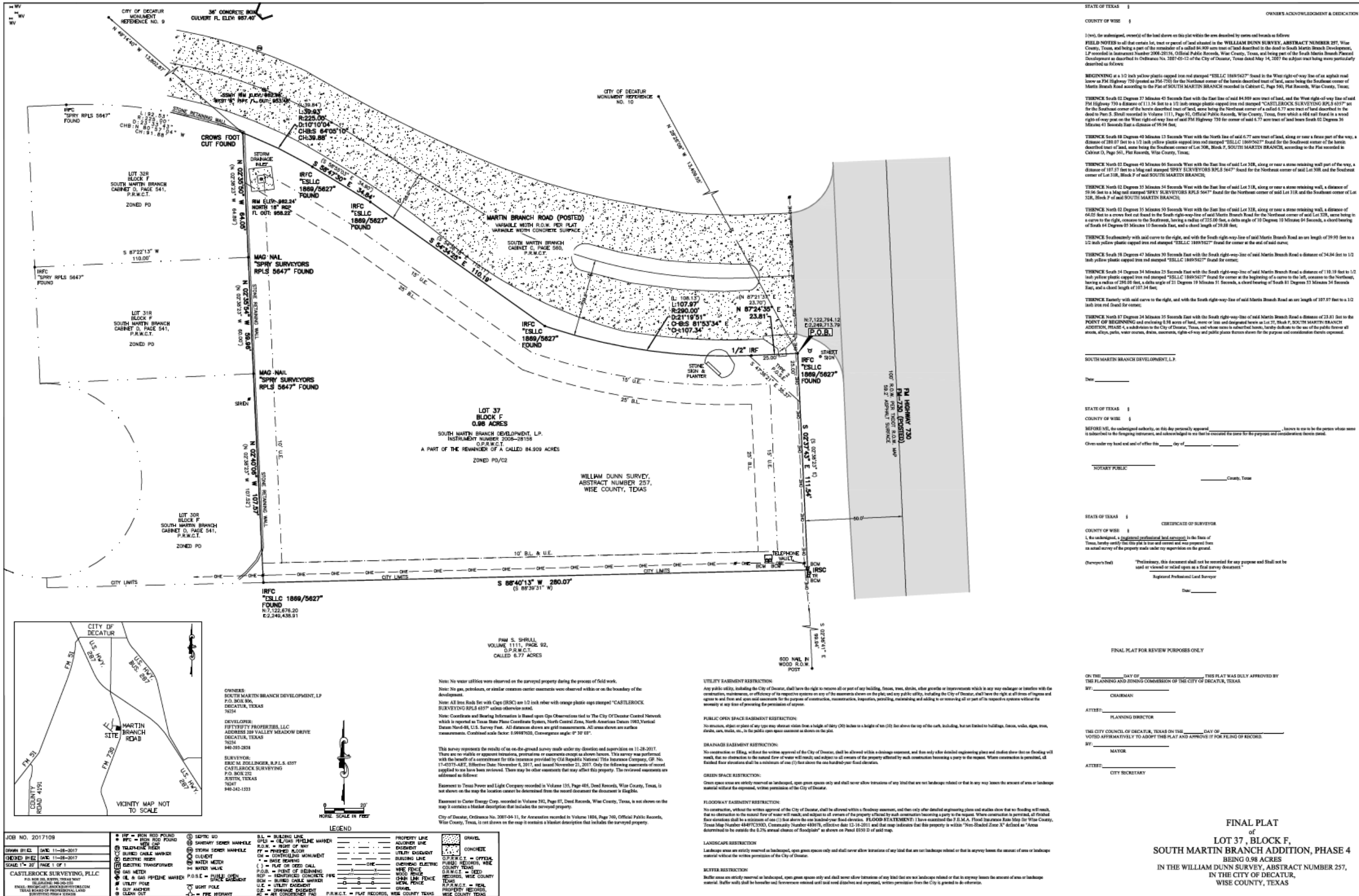
BATES MARK M. MARTIN, ARCHITECT
ARCHITECTS MICHAEL A. BATES, ARCHITECT
828 SOUTH LOOP 288, #145
DENTON, TEXAS 76205
(940) 545-0260
(940) 381-4881



ISSUE	18-101
DATE	01-22-18
REV	
REV	
REV	
REV	

SITE
PLAN
A1.1

Approved Final Plat



Legal Description

METES & BOUNDS

0.98 ACRES

MARTIN BRANCH ROAD & FM HIGHWAY 730

WISE COUNTY, TEXAS

FIELD NOTES to all that certain lot, tract or parcel of land situated in the **WILLIAM DUNN SURVEY, ABSTRACT NUMBER 257**, Wise County, Texas, and being a part of the remainder of a called 84.909 acre tract of land described in the deed to South Martin Branch Development, LP recorded in Instrument Number 2008-28156, Official Public Records, Wise County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2 inch yellow plastic capped iron rod stamped "ESLLC 1869/5627" found in the West right-of-way line of an asphalt road know as FM Highway 730 (posted as FM-730) for the Northeast corner of the herein described tract of land, same being the Southeast corner of Martin Branch Road according to the Plat of SOUTH MARTIN BRANCH recorded in Cabinet C, Page 560, Plat Records, Wise County, Texas;

THENCE South 02 Degrees 37 Minutes 43 Seconds East with the East line of said 84.909 acre tract of land, and the West right-of-way line of said FM Highway 730 a distance of 111.54 feet to a 1/2 inch orange plastic capped iron rod stamped "CASTLEROCK SURVEYING RPLS 6357" set for the Southeast corner of the herein described tract of land, same being the Northeast corner of a called 6.77 acre tract of land described in the deed to Pam S. Shrull recorded in Volume 1111, Page 92, Official Public Records, Wise County, Texas, from which a 60d nail found in a wood right-of-way post on the West right-of-way line of said FM Highway 730 for corner of said 6.77 acre tract of land bears South 02 Degrees 36 Minutes 41 Seconds East a distance of 99.94 feet;

THENCE South 88 Degrees 40 Minutes 13 Seconds West with the North line of said 6.77 acre tract of land, along or near a fence part of the way, a distance of 280.07 feet to a 1/2 inch yellow plastic capped iron rod stamped "ESLLC 1869/5627" found for the Southwest corner of the herein described tract of land, same being the Southeast corner of Lot 30R, Block F, SOUTH MARTIN BRANCH, according to the Plat recorded in Cabinet D, Page 561, Plat Records, Wise County, Texas;

THENCE North 02 Degrees 40 Minutes 06 Seconds West with the East line of said Lot 30R, along or near a stone retaining wall part of the way, a distance of 107.57 feet to a Mag nail stamped 'SPRY SURVEYORS RPLS 5647' found for the Northeast corner of said Lot 30R and the Southeast corner of Lot 31R, Block F of said SOUTH MARTIN BRANCH;

THENCE North 02 Degrees 35 Minutes 54 Seconds West with the East line of said Lot 31R, along or near a stone retaining wall, a distance of 59.96 feet to a Mag nail stamped 'SPRY SURVEYORS RPLS 5647' found for the Northeast corner of said Lot 31R and the Southeast corner of Lot 32R, Block F of said SOUTH MARTIN BRANCH;

THENCE North 02 Degrees 35 Minutes 50 Seconds West with the East line of said Lot 32R, along or near a stone retaining wall, a distance of 64.05 feet to a crows foot cut found in the South right-way-line of said Martin Branch Road for the Northeast corner of said Lot 32R, same being in a curve to the right, concave to the Southwest, having a radius of 225.00 feet, a delta angle of 10 Degrees 10 Minutes 04 Seconds, a chord bearing of South 64 Degrees 05 Minutes 10 Seconds East, and a chord length of 39.88 feet;

THENCE Southeasterly with said curve to the right, and with the South right-way-line of said Martin Branch Road an arc length of 39.93 feet to a 1/2 inch yellow plastic capped iron rod stamped "ESLLC 1869/5627" found for corner at the end of said curve;

THENCE South 58 Degrees 47 Minutes 30 Seconds East with the South right-way-line of said Martin Branch Road a distance of 34.84 feet to 1/2 inch yellow plastic capped iron rod stamped "ESLLC 1869/5627" found for corner;

THENCE South 54 Degrees 34 Minutes 25 Seconds East with the South right-way-line of said Martin Branch Road a distance of 110.19 feet to 1/2 inch yellow plastic capped iron rod stamped "ESLLC 1869/5627" found for corner at the beginning of a curve to the left, concave to the Northeast, having a radius of 290.00 feet, a delta angle of 21 Degrees 19 Minutes 51 Seconds, a chord bearing of South 81 Degrees 53 Minutes 34 Seconds East, and a chord length of 107.34 feet;

THENCE Easterly with said curve to the right, and with the South right-way-line of said Martin Branch Road an arc length of 107.97 feet to a 1/2 inch iron rod found for corner;

THENCE North 87 Degrees 24 Minutes 35 Seconds East with the South right-way-line of said Martin Branch Road a distance of 23.81 feet to the **POINT OF BEGINNING** and enclosing 0.98 acres of land, more or less.

FLOOD STATEMENT: I have examined the F.E.M.A. Flood Insurance Rate Map for Wise County, Texas Map Number 48497C350D, Community Number 481051, effective date 12-16-2011 and that map indicates that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 0.2% annual chance of floodplain" as shown on Panel 0350 D of said map.

CERTIFICATION: Fifty Fifty Properties, LLC, South Martin Branch Development, LP, Old Republic National Title Insurance Company, and Wise County Title Company.

This survey represents the results of an on-the-ground survey made under my direction and supervision on 11-28-2017. There are no visible or apparent intrusions, protrusions or easements except as shown hereon. This survey was performed with the benefit of a commitment for title insurance provided by Old Republic National Title Insurance

Company, GF. No. 17-43375-AET, Effective Date: November 8, 2017, and issued November 21, 2017. Only the following easements of record supplied to me have been reviewed. There may be other easements that may affect this property. The reviewed easements are addressed as follows:

10a.) Easement to Texas Power and Light Company recorded in Volume 135, Page 405, Deed Records, Wise County, Texas, is not shown on the map the location cannot be determined from the record document the document is illegible.

10b.) Easement to Texas Power and Light Company recorded in Volume 168, Page 335, Deed Records, Wise County, Texas, is not shown on the map it contains a blanket description that includes the surveyed property.

10c.) 20 foot Easement to City of Decatur recorded in Volume 206, Page 481, Deed Records, Wise County, Texas, is not shown on the map it is not on or does not touch the surveyed property.

10d.) Easement to Brazos Electric Power CO-OP. recorded in Volume 293, Page 575, Deed Records, Wise County, Texas, is not shown on the map it is not on or does not touch the surveyed property.

10e.) Easement to Carter Energy Corp. recorded in Volume 392, Page 87, Deed Records, Wise County, Texas, is not shown on the map it contains a blanket description that includes the surveyed property.

10f.) Easement to Lakota Energy, Ltd. recorded in Volume 1132, Page 253, Official Public Records, Wise County, Texas, is not shown on the map it is not on or does not touch the surveyed property.

10g.) Easement to Cantera Resources, Inc. recorded in Volume 1210, Page 519, Official Public Records, Wise County, Texas, is not shown on the map it is not on or does not touch the surveyed property.

10h.) City of Decatur, Ordinance No. 2007-04-11, for Annexation recorded in Volume 1806, Page 769, Official Public Records, Wise County, Texas, is not shown on the map it contains a blanket description that includes the surveyed property.



STAFF REPORT

June 19, 2018–Planning & Zoning Commission Meeting

TO: Planning & Zoning Commissioners **CASE: SUP2018-02**
FROM: Dedra D. Ragland, AICP, Planning Director **APPLICANT: Gary & Susan Cocanougher**
DATE: May 31, 2018 **REQUEST: Specific Use Permit**

Case Notes:

Commission to hear and take public comment and take action to make a recommendation to City Council regarding Specific Use Permit Application 2018-02—Gary and Susan Cocanougher’s request for a Specific Use Permit to allow an Accessory Dwelling in a Single Family-2 (SF-2) Zoning District on approximately 15.54 acres of land being legally described as 402 Waggoner, Decatur, Texas.

The SUP is requested so that the applicant may be permitted to build an accessory dwelling in a Single Family-2 (SF-2) Zoning District.

Legality:

According to Article 5 “Zoning Districts,” Subsection 5.2.5 “SUP, Specific Use Permit,” the City Council of the City of Decatur, Texas, after public hearing and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated by “S” in the Land Use Schedule, shown in Article 6 “Use Regulations,” Section 6.1 “Use Chart.”

Also pursuant to 5.2.5.E.(6) of the Zoning Regulations, a Specific Use Permit shall be amended or rescinded if one (1) or more of the following occurs:

1. “There is a violation and conviction of any of the provisions of this Ordinance that occurs on the property for which the Specific Use is granted;
2. The building, premises, or land use authorized by the Specific Use Permit is enlarged greater than ten percent (as noted in (3)(a)(ii)), modified, structurally altered, or otherwise changed in violation of the terms of the Specific Use Permit and/or this Ordinance;
3. No activity or progress has occurred on the property for a period of two (2) years or longer;
4. Violation and correction of any provision of the terms or conditions of a Specific Use Permit, for which ten (10) days written notice of violation has been provided to the owner or occupant, and which violation is not remediated in accordance with the written notice. One (1) or more incidents of recurrence of the same violation(s) for which a correction was rendered within a calendar year period shall be cause for revocation of a SUP without additional notice to the Owner or Occupant, other than notice of date and time of public hearing pursuant to this Section;
5. Ad valorem taxes on the property are delinquent by more than six (6) months; or
6. The Specific Use Permit was obtained by fraud or with deceptions.”

Additionally, excerpts from Subsection 5.2.5 SUP, Specific Use Permit, of Article 5 of the Zoning Regulations read as follows:

- A. *General Description and Purpose.* The uses listed under the various zoning district classifications set forth in the Ordinance as uses allowed with an approved Specific Use Permit are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district, and therefore require additional review and regulation to ensure compatibility with surrounding uses.
- B. *Consideration for Compatibility.* With consideration given to setting, physical features, compatibility with surrounding land uses, traffic, and aesthetics, certain Uses requiring a Specific Use Permit may locate in an area where they will be compatible with existing or planned land uses generally allowed within a Zoning District.
- C. *Review and Approval Authorities.*
 - 1) The Planning and Zoning Commission shall recommend to the City Council approval, approval with modifications, or denial for each Specific Use Permit Application.
 - 2) Upon receipt and consideration of the recommendation from the Planning and Zoning Commission, the City Council shall review each case on its own merit, apply the criteria set forth in this Section and other related factors deemed necessary and appropriate given the facts and circumstances presented, and, if appropriate, authorize said use by granting a Specific Use Permit for the use. The City Council shall have the discretion to impose conditions in addition to those recommended by the Planning and Zoning Commission or to alter or remove such recommended conditions if the City Council determines such action to be necessary and appropriate to ensure compatibility or ensure protection of public health, safety, and welfare.
- D. *Application and Site Plan Required.*
 - 1) Application and public hearing procedures for a Specific Use Permit shall be completed in the same manner as an Application for Rezoning. A Site Plan shall be included with the application.
 - 2) The Planning and Zoning Commission or City Council may require additional information or drawings including but not limited to building floor plans, operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed as it determines necessary and appropriate to evaluate the application.

Article 5 “Zoning Districts,” Subsection 7.6.4 “Accessory Dwelling,” provides that Accessory Dwellings may be allowed by SUP approval only. The SUP ordinance shall establish use and development standards for each accessory dwelling.

Analysis:

- Accessory Dwelling is defined as a subordinate building that is detached from the main building, used as a residence, and is not involved in the conduct of a business. The Cocanoughers have 15.54 acres of land and are proposing an accessory dwelling to accommodate additional family members on holidays and special occasions. The accessory dwelling will also serve as a pool house.
- Staff is not recommending that any additional conditions be imposed for approval of the SUP.
- Sixteen (16) property owners were notified. Staff has received no responses in favor of, neutral to or opposed to the request.

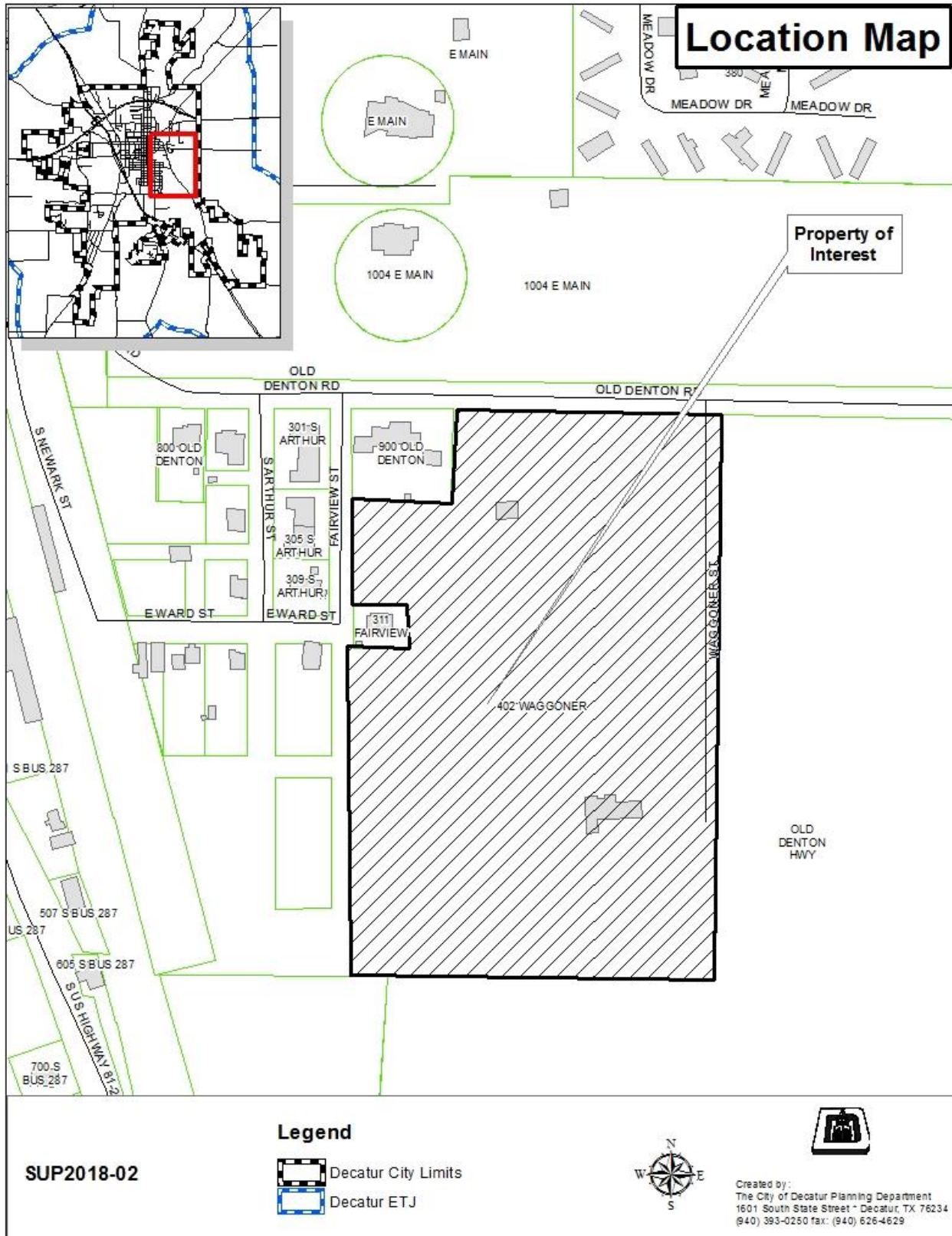
Recommendation:

Staff recommends approval.

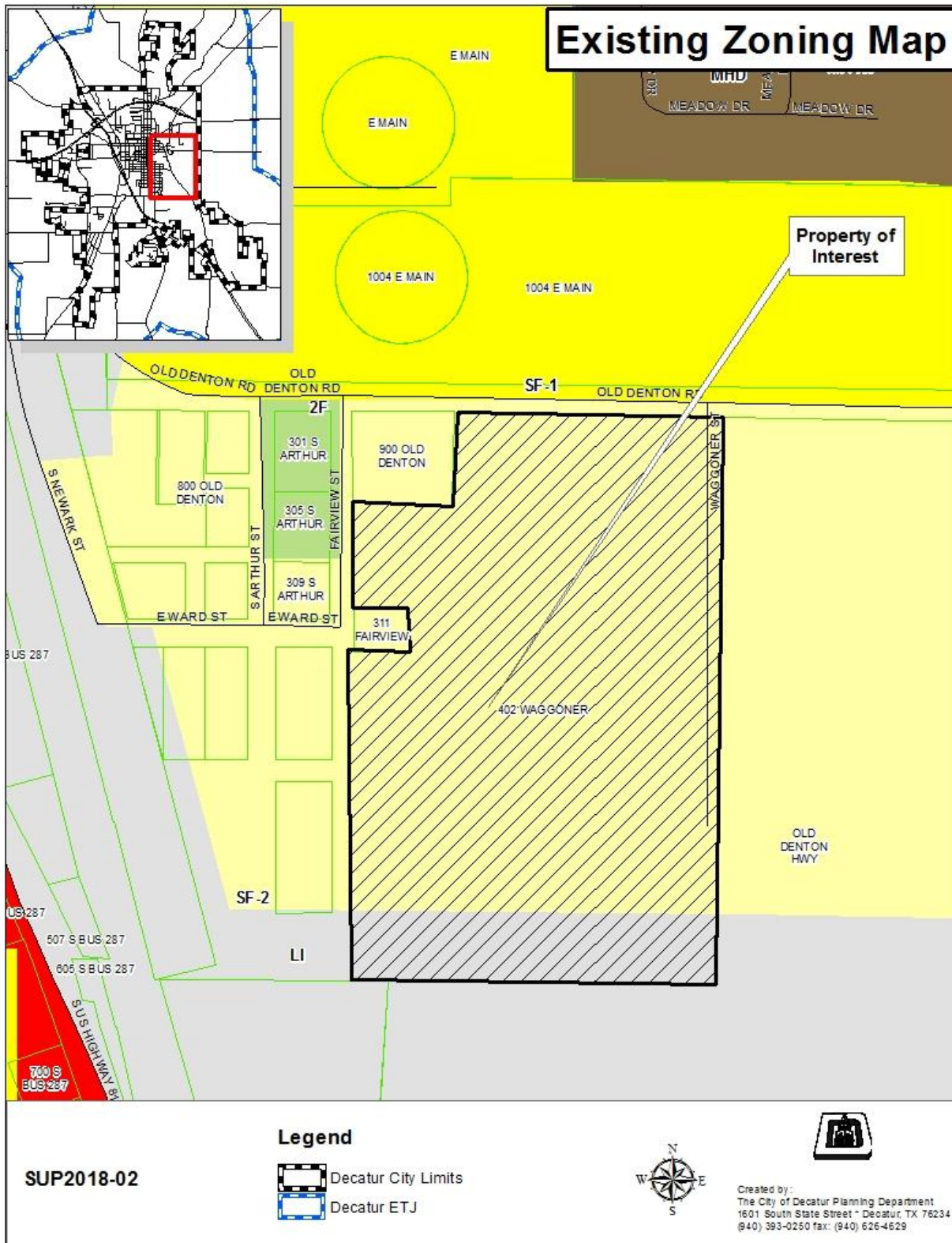
Attachments:

1. Location Map
2. Existing Zoning Map
3. Existing Land Use Map
4. Proposed Site Plan
5. Proposed Building Renderings
6. 200' Property Owner Notification Map
7. Property Owner Response Letters
8. Draft Ordinance

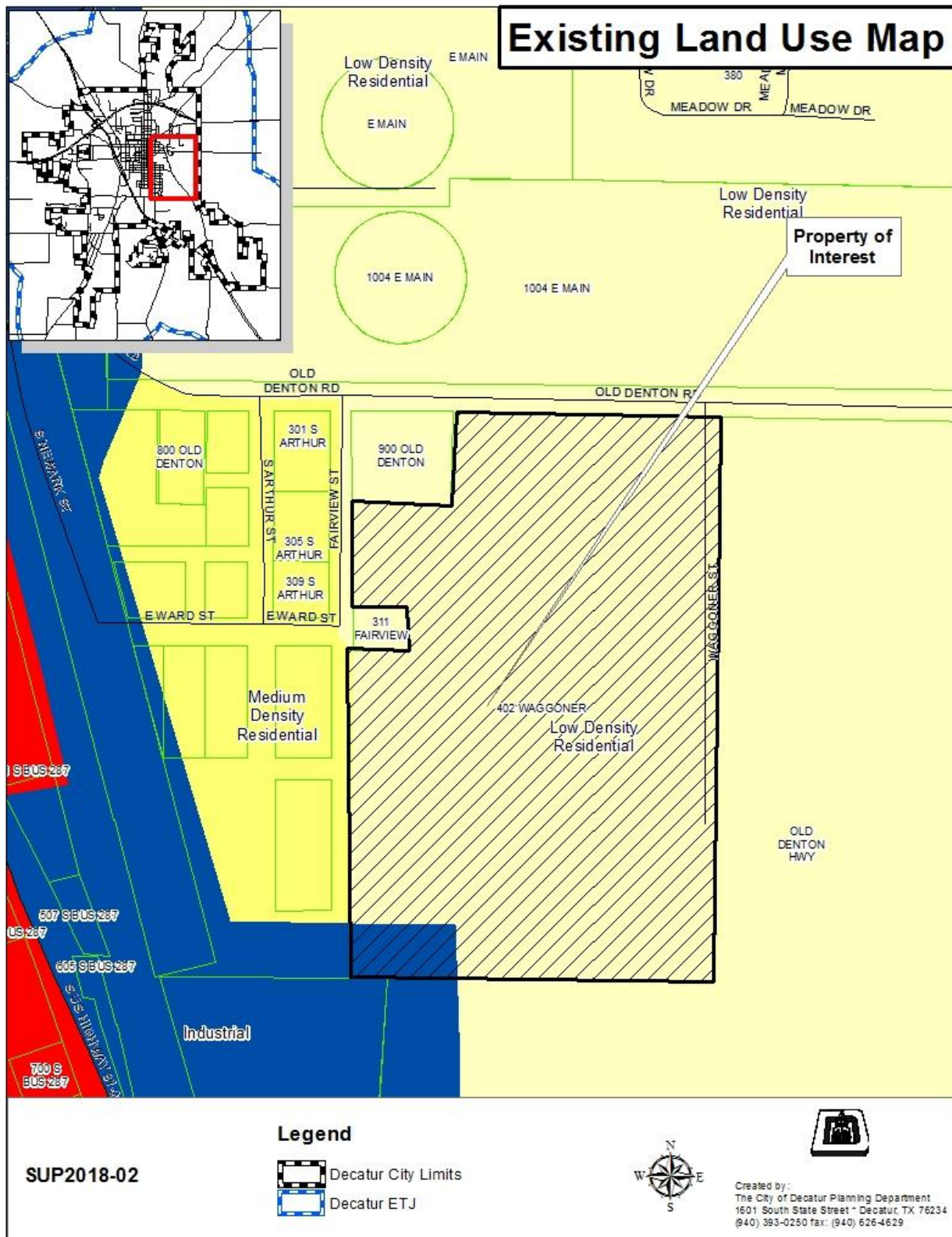
Attachment 1 Location Map



Attachment 2
Existing Zoning Map

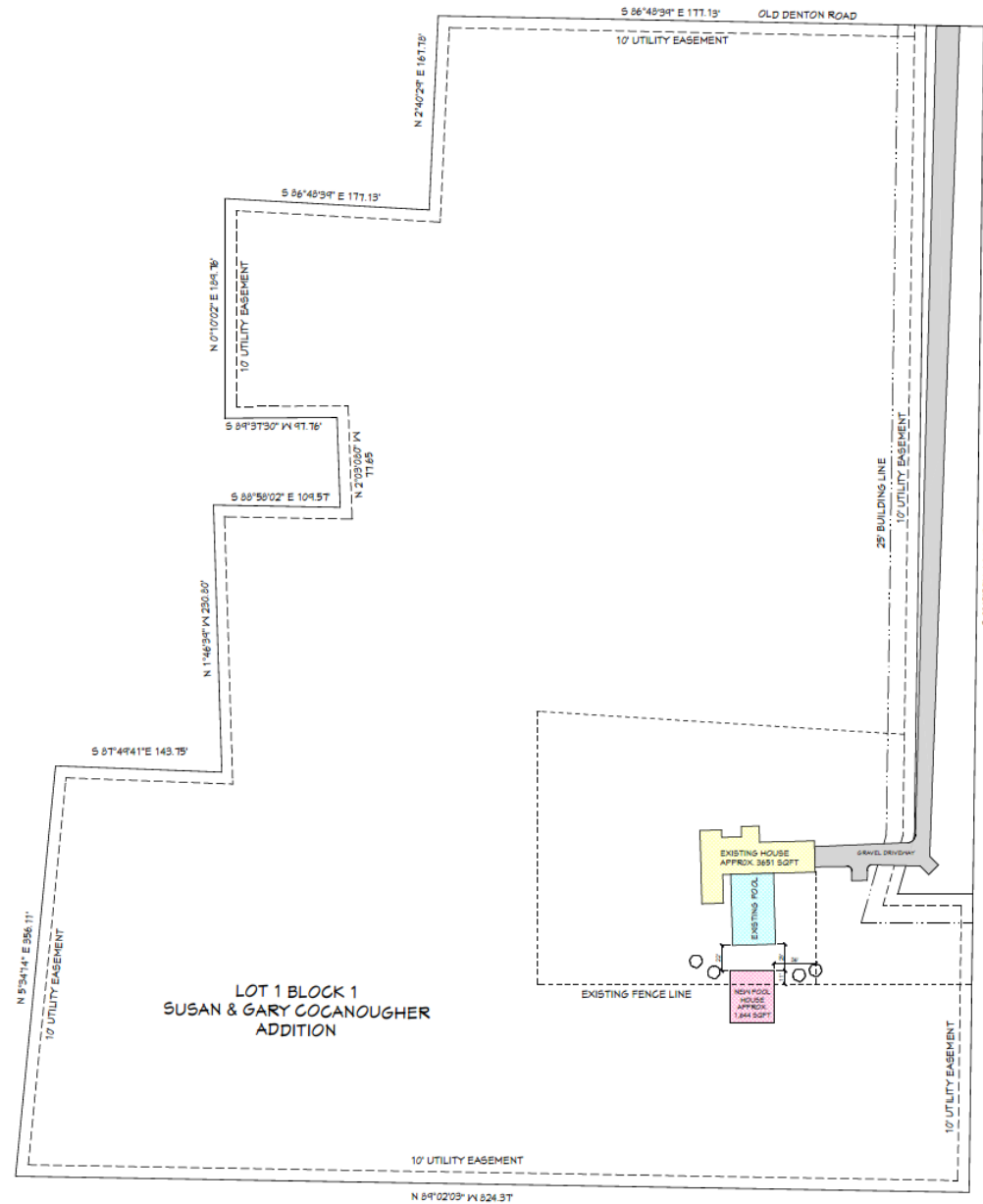
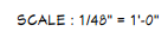


Attachment 3 Existing Land Use Map



Attachment 4

Site Plan



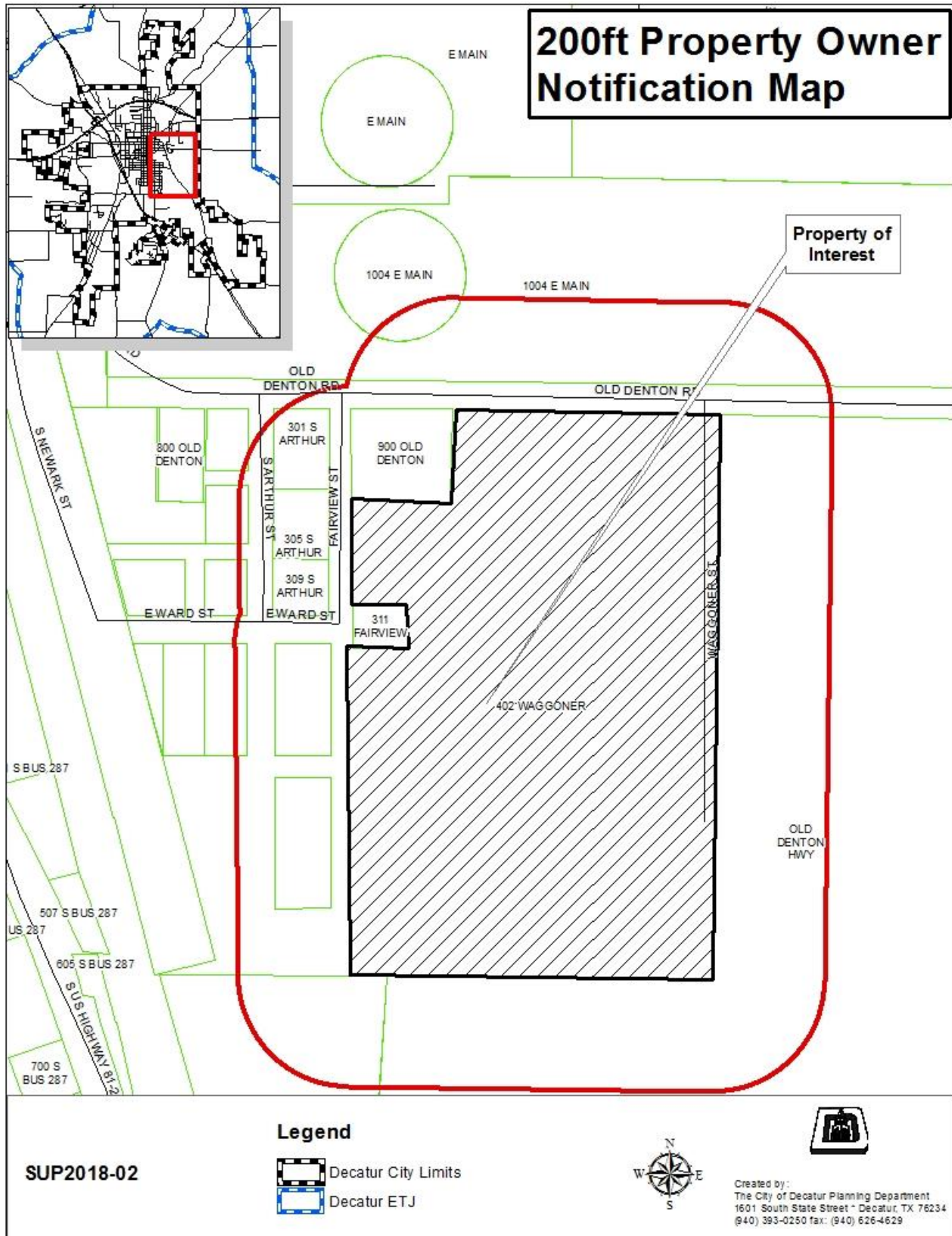
Attachment 5
Proposed Renderings



RENDERING 2
SCALE : NONE



Attachment 6
200' Property Owner Notification Map



Attachment 6
Property Owner Response Letters

None to Date

Attachment 7
Draft Ordinance

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF DECATUR, BY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DECATUR, GRANTING A SPECIFIC USE PERMIT ALLOWING FOR A ACCESSORY DWELLING FOR PROPERTY LOCATED AT 402 WAGGONER STREET, AN APPROXIMATELY 15.54 ACRES OF. (SUP2018-02)

WHEREAS, the current zoning of the tract of land is Single Family - 2 (SF-2), an accessory dwelling is allowed with a Specific Use Permit (SUP); and

WHEREAS, application has been properly made to amend the Official Zoning Map of the City of Decatur, Texas, according to its legend to indicate that the affected area has conditional and limited uses, and such amendment is to indicate the appropriate zoning district for the approved use and prefixed by an “S” designation; and shall be indicated by numerical designation on the Zoning District Map; and issued to the property; and

WHEREAS, said application has been properly heard by the Planning and Zoning Commission of the City of Decatur, Texas, as required by State statutes and the Zoning Ordinance of said City; and

WHEREAS, said Planning and Zoning Commission has made recommendation that the change of the zoning classification as requested be APPROVED, and all legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Decatur, Texas, at a called public hearing did consider all appropriate factors in determining whether to grant such requested amendment; and

WHEREAS, the City Council of the City of Decatur, Texas does find that the requested amendment is in the public interest and that the zoning change does not unreasonably invade the rights of adjacent property owners;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DECATUR TEXAS:

SECTION 1. The Zoning Ordinance of the City of Decatur, Texas, be, and the same is hereby amended and changed in that the use of the property described upon the attached Exhibit “A” (which Exhibit is made a part hereof for all purposes) is hereby changed and assigned a Specific Use Permit for an accessory dwelling on the property located at 402 Waggoner St.

SECTION 2. The Planning Director is hereby directed to correct the official zoning map of the City of Decatur, Texas, to reflect the herein change in zoning.

SECTION 3. In all other respects, the use of the tract or tracts of land hereinabove described shall be subject to all the applicable regulations contained in said City of Decatur Zoning Ordinance and all other applicable and pertinent ordinances of the City of Decatur, Texas.

SECTION 4. This ordinance shall be cumulative of all other ordinances of the City of Decatur and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5. This ordinance shall take effect on its final passage, and it is so ordained.

PRESENTED ON FIRST READING THIS 25TH DAY OF JUNE, 2018.

PRESENTED ON SECOND READING AND APPROVED THIS 9TH DAY OF JULY, 2018, BY A VOTE OF ____ AYES, ____ NAYS, ____ ABSTENTIONS, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DECATUR, TEXAS.

APPROVED:

Martin B. Woodruff, MAYOR

ATTEST:

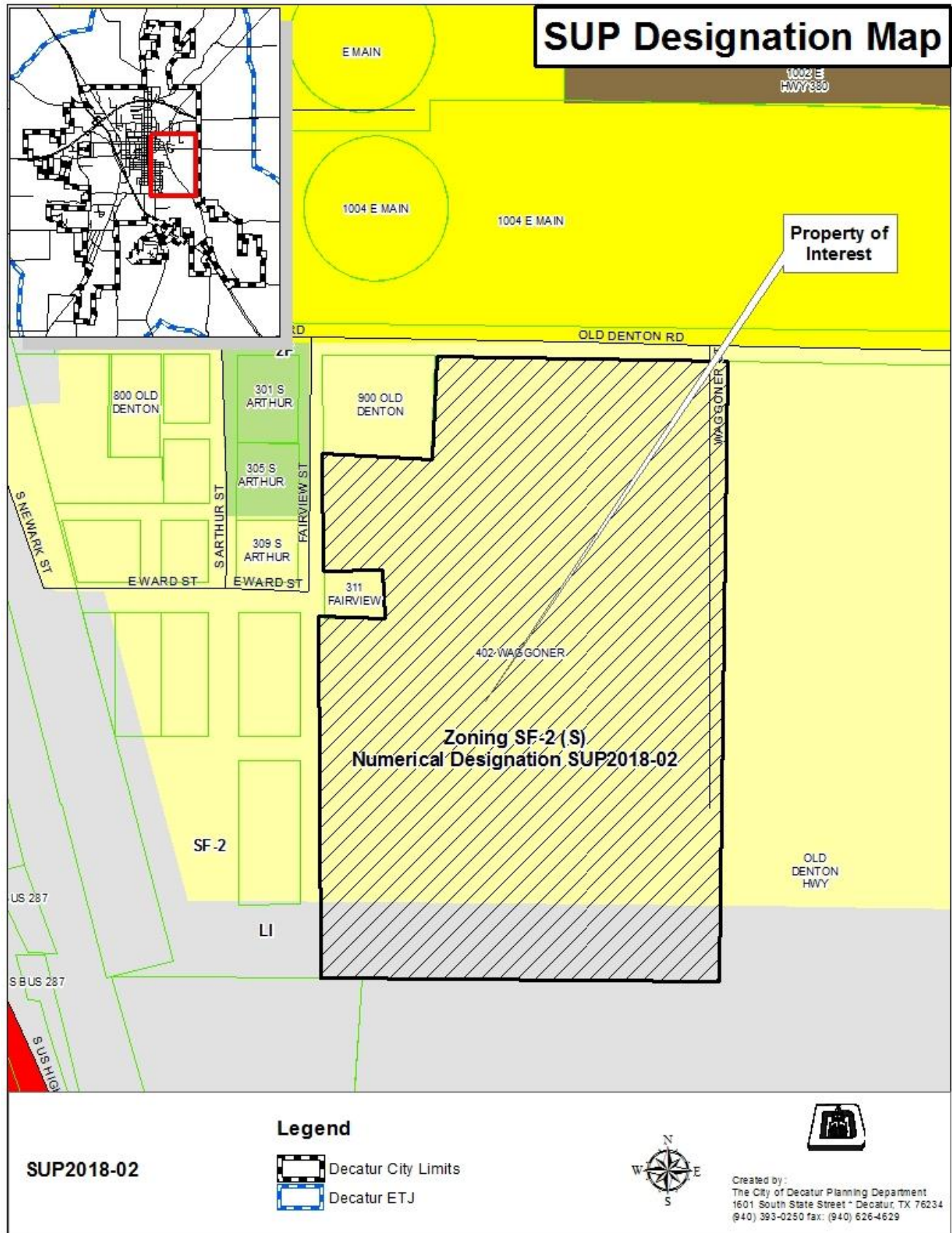
Diane Cockrell, TRMC, CITY SECRETARY

APPROVED AS TO CONTENT AND FORM:

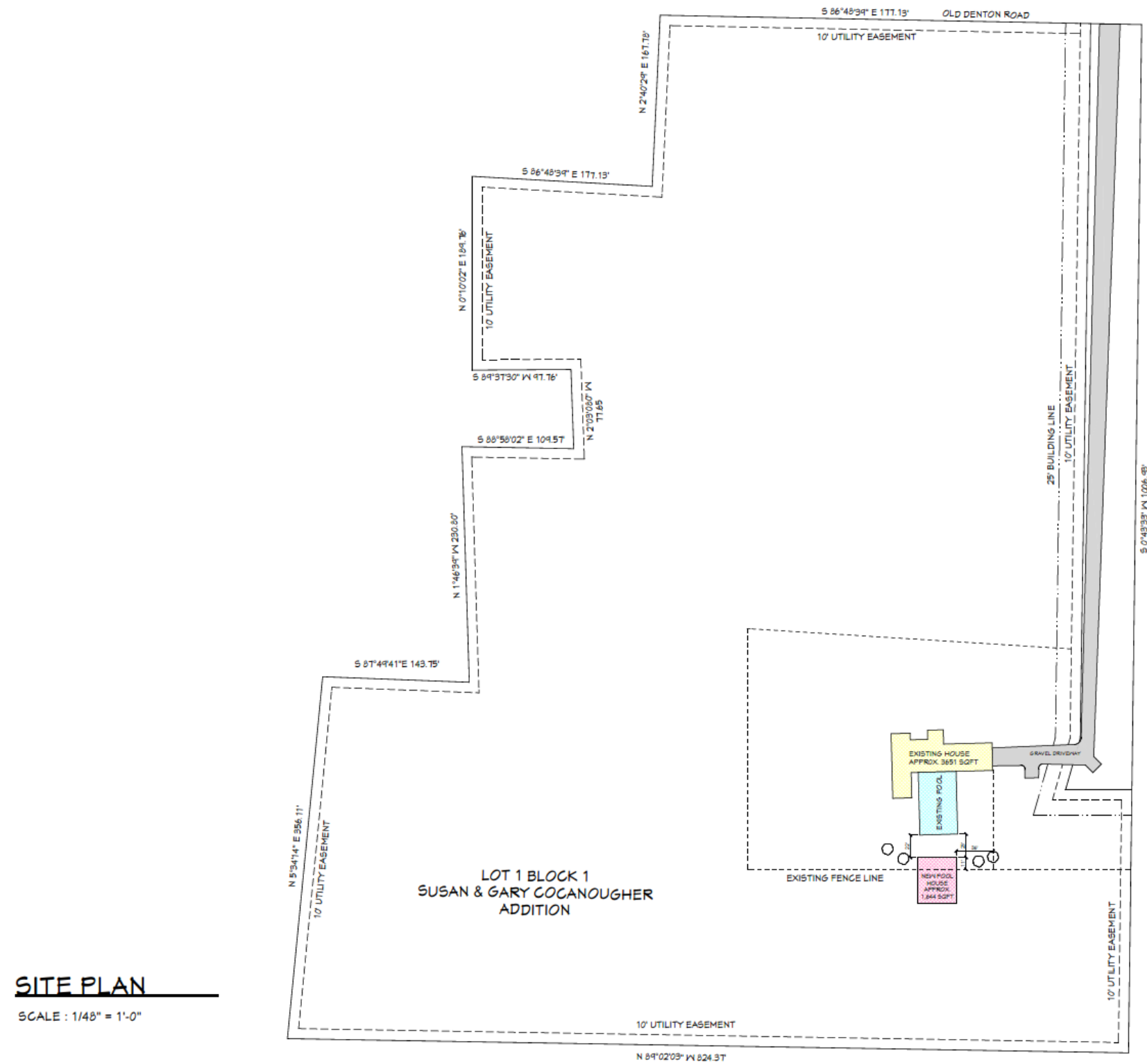
Mason L. Woodruff, CITY ATTORNEY

EXHIBIT “A”
SUP Zoning Designation Map
Proposed/Preliminary Site Plan
Legal Description

SUP Zoning Designation Map



Proposed/Preliminary Site Plan



Legal Description

Being all that certain tract of land out of the John Mullholland Survey, Abstract No. 592, City of Decatur, Wise County, Texas, being the same tract of land as deeded to Charles Gary Cocanougher in Volume 632, Page 415, Real Records, Wise County, Texas,;

Beginning at an iron stake found for corner in the south right of way of Old Ddentinenton Road, being the northeast corner of a tract as deeded to Henry Ryan in Volume 1943, Page 459, Official Records, Wise County, Texas, being located 25 feet south and 182.45 feet S 88°52'58: E from the northwest corner of a 200 acre tract as deeded in Volume 77, Page 578, Deed Records, Wise County, Texas;

Thence with a fence line on the south line of Old Denton Road, South 88°52'58" East 471.79 feet to a metal post found for corner in the northeast corner of a Street Easement as conveyed to the City of Decatur, Wise County, Texas in Volume 630, Page 354, Real Records, Wise County, Texas;

Thence with a fence line on the east line of said easement (Waggoner Street), South 00°43'33" W, at 750.0 feet passing the southeast corner of said easement, in all, 1006.93 feet to a metal post for corner;

Thence with a fence line, North 89°02'03" West 824.37 feet to a metal post for corner;

Thence with a fence line, North 05°34'14" East 356.11 feet to a metal post for corner;

Thence with a fence line, South 87°49'41" East 143.75 feet to a metal post for corner;

Thence with a fence line, North 01°46'39" West 230.80 feet to a metal post for corner;

Thence with a fence line, South 88°58'02" East 109.57 feet to a metal post for corner;

Thence with a fence line, North 02°03'08" West 77.65 feet to a metal post for corner;

Thence with a fence line, South 89°37'30" West 97.76 feet to a metal post for corner in the east line of Fairview Street;

Thence with a fence line on the east line of Fairview Street, North 00°10'02" East 189.76 feet to a metal post for corner;

Thence with a fence line, South 86°48'39" East 177.13 feet to a metal post for corner;

Thence with a fence line part of the way, North 02°40'29" East 167.78 feet to the Point of Beginning, containing 15.544 acres of land, more or less.



Memo

To: Dedra Ragland, Planning Director
From: Earl Smith, P.E., CFM, City Engineer
Date: June 15, 2018
Re: Retail Development; South Martin Branch

South Martin Branch Subdivision is a Planned Development addition to the city and was approved by Ordinance No. 2007-05-12, on May 14, 2007. The development is comprised of 84.909 acres, originally master planned to have 270 single family homes, 12.39 acres of open space and 5.23 acres of retail space. The retail space is provided for along the development frontage with FM 730.

As part of the development process, detailed studies were required of the developer to show that adequate utilities would be provided including water service, wastewater service and transportation (traffic).

An application was made (April-May 2018) and P&Z and City Council considered a Special Use Permit for a licensed day care facility on a 0.98 acre lot in the retail designated portion of the approved Planned Development. City Council denied the SUP after considering comments heard from concerned citizens regarding;

1. Increased traffic caused by the licensed day care facility
2. Safety issues regarding speed and sight distances on FM 730
3. Noise from children playing outside

What follows is a summary of facts to consider for the project.

Immediately on the north side of S. Martin Branch exist a neighborhood commonly called "Brookhollow" comprised of 59 single family houses. Earliest recorded plat of the neighborhood dates back to 1957, prior to any city subdivision ordinance. The neighborhood had only one way in/out (South College), intersecting FM 730, approximately ¼ mile south of US HWY 81/287. The speed limit at this intersection is 55 mph on FM 730.

In 2006, planning for a Planned Development, now called South Martin Branch began. A rigorous, city required development process, was followed in accordance with the city's Subdivision Ordinance.

Retail Development; South Martin Branch, cont'd

Comment 1. Increased traffic caused by the licensed day care facility

- The developer was required to prepare a Traffic Impact Analysis (TIA). This document was prepared by a Professional Engineer, licensed to practice in Texas and qualified to perform such work. The stated purpose of the TIA was to “determine the impact of vehicular traffic projected to be generated by this site on the adjacent roadway system”. The TIA was reviewed and approved by the city, TxDOT local area office and Fort Worth district office.

The most significant findings of the TIA were:

1. Right turn lane improvements would be required on FM 730 when the development consisted of 131 homes.
2. Left turn lane improvements would be required on FM 730 when the development consisted of 202 homes.
3. That “level of service” at full build-out plus 5 years would occur at an acceptable service level of “D”.

The developer chose to construct recommended turn lane improvements to FM 730 during phase 1 of the subdivision instead of waiting for certain build-out criteria as delineated in the TIA. Construction of the turn lanes was in accordance with TxDOT standards and approved by TxDOT.

- The TIA indicates the “Calculated End Trips” for South Martin Branch as follows:
 - 270 Single Family dwellings, ADT = 2584 vpd
 - 55,530 SF retail development, ADT = 2385 vpd
- ITE Vehicle Trip Generation Rates show that for a Daycare Center, assuming a 6000 SF facility, total generated ADT = 476 vpd.
- Some citizens commented about the “cut through” traffic from South Martin Branch on S. College to enter/exit onto FM 730.
 - Decatur City Police have conducted traffic counts on S. College to obtain actual data to document the amount of traffic at the intersection. Data shows that the actual measured average daily traffic (ADT) is 358.
 - ITE Vehicle Trip Generation Rates show that for 59 single family homes in “Brookhollow Subdivision”, ADT = 565.
 - At South Martin Branch Road intersection with FM 730, data shows that the actual measured average daily traffic (ADT) is 70.

Although it is fair to acknowledge that some cut through traffic will occur, actual counts are substantially lower than would be predicted using accepted practices.

It should be noted that the TIA predicted 10% cut through traffic, each way, from South Martin Branch.

Obviously, the addition of any development will cause an increase in traffic. The TIA professionally predicts impacts of increased traffic and recommended mitigation projects to accommodate the increases in traffic and provide satisfactory “Level of Service”.

Retail Development; South Martin Branch, cont'd

Comment 2: Safety issues regarding speed and sight distances on FM 730

The Mayor has sent a letter to Ms. Edrean Cheng, P.E., TxDOT Local Area Engineer, requesting TxDOT to lower the speed limit on FM 730 in this vicinity to 50 mph, citing issues with sight distances. TxDOT advises us that they will have to conduct a speed study and study the sight distance issues. The request has been forwarded to the Fort Worth District office for consideration. It may take several months for the work to be completed.

It should be noted that no reported accidents have occurred at the intersection of South Martin Branch Road and FM 730.

Comment 3: Noise from children playing outside

No comment, this is not considered a technical issue.